

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C528 No.496 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mrs. Snigdha Tiwari, Mr. Abhijay Negi and Mr. Ayush Pokhriyal, Advocates for the applicant. Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>2. According to the applicant, both he and the victim are approximately 15 years of age. An F.I.R. was lodged by the father of the victim, alleging that the applicant had kidnapped his minor daughter. Following investigation, a charge sheet was filed against the applicant.</p> <p>3. Learned counsel for the applicant submits that in the statement of the victim recorded under Section 180 of the B.N.S.S., the victim has denied any physical relations with the applicant, but has admitted that they have maintained a friendship for the past four years. However, in her statement recorded before the Magistrate under Section 183 of B.N.S.S., she has admitted that she went to the applicant's house, invited him to her residence, concealed him in her Almirah, provided him food, and subsequently admitted that they engaged in physical relations, which were consensual. Medical examination revealed no evidence of forceful sexual intercourse.</p> <p>4. In view of the fact that both the victim and the applicant are</p>

approximately 15 years old, are adolescents, and have a longstanding friendship, it is submitted that directing the applicant to be kept as a child in conflict with law in an Observation Home may have an adverse impact on his future prospects. Considering the above, along with the nature of the allegations and his age, it is argued that leniency may be exercised in the matter.

5. Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Anurudh and another, reported in 2026 SCC Online SC 40 has held that in cases involving consensual adolescent relationships, the statement of the alleged victim should be given due consideration and if the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution. It was further held that ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.

6. Issue notice to the respondent no.2, returnable at an early date.

7. List the matter after receipt of the service report.

8. Considering the submissions advanced by learned counsel for the applicant, it is directed that, till the next date of listing, further proceedings of Inquiry No. 07 of 2026 (Criminal Case

No.345 of 2025), pending before learned Juvenile Justice Board, Dehradun, shall remain stayed.

9. Interim relief application (I.A. No.1 of 2026) stands disposed of.

(Alok Mahra, J.)

01.04.2026

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