



CGHC010408272026

2026:CGHC:44639

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7565 of 2026

Smt. Anamika Jain D/o Shri Kiran Kumar Jain, Aged About 42 Years R/o H I G -50, Flat No. 303, Sector 29, Nawa Raipur, Post And Police Station -Rakhi, Tahsil And District -Raipur (C.G.)

... Petitioner

versus

- 1 – State of Chhattisgarh Through Its Secretary, Department of Home / Police, Mahanadi Bhawan, Mantralaya, Police Station And Post -Rakhi, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
- 2 - Director General of Police (D G P), Police, Head Quarter (P H Q), Department Of Home / Police, Sector -19, Police Station and Post -Rakhi, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
- 3 - Inspector General of Police, Office of Inspector General of Police, Department of Crime Investigation Department (C I D)/ Narcotics, Sector -19,, Police Station And Post -Rakhi, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate along with Mr. Rishabhdev Sahu, Advocate
For State/Respondent	:	Mr. Ghanshyam Kashyap, Dy. GA

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

15/10/2026

Digitally signed by ASHUTOSH MISHRA Date: 2026.10.16 10:48:51 +0530

1. The present writ petition has been filed by the petitioner, who is serving as a police officer in the rank of Deputy Superintendent of Police, assailing the initiation and continuation of departmental proceedings against her and seeking deferment of the same during the pendency of the criminal trial arising out of the death of Smt. Mutika Soni.
2. The brief facts relevant for adjudication of the present writ petition are that, in connection with the death of Smt. Mutika Soni, an F.I.R. bearing Crime No. 199/2020 was registered at Police Station Purani Bhilai, District Durg, for the offences punishable under Sections 306 and 34 of the Indian Penal Code. Upon completion of investigation, a charge-sheet was filed before the competent criminal Court. The allegations in the criminal case relate to the events preceding the death of the deceased on 17/18.07.2020 and the alleged conduct of the accused persons in that regard.
3. Subsequently, departmental proceedings were initiated against the petitioner by issuance of a charge memorandum. The substance of the departmental charge is that, on 17.07.2020, at about 8:00 p.m., the petitioner, along with another woman, allegedly visited the residence of the deceased and subjected her to verbal abuse, humiliation and mental harassment, thereby allegedly abetting her to commit suicide. Such conduct has been alleged to constitute misconduct under the applicable service conduct rules and the relevant provisions of the Police Regulations.
4. Learned counsel for the petitioner submits that the allegations forming

the basis of the departmental charge substantially overlap with those involved in the pending criminal prosecution. Referring to the F.I.R., the police report and the list of witnesses in the criminal case as well as the departmental charge memorandum, it is contended that the material allegations and the witnesses required to establish the charge are substantially common to both proceedings. It is further submitted that, if the common witnesses are examined in the departmental inquiry before their evidence is recorded before the criminal Court, the petitioner may be compelled to disclose her defence prematurely, which may prejudice her defence in the criminal trial. Learned counsel, therefore, prays that the departmental proceedings be deferred to the extent indicated in the present petition.

5. *Per contra*, learned counsel appearing for the State opposes the prayer and submits that departmental proceedings and criminal prosecution operate in distinct fields and serve different purposes. According to the State, the pendency of a criminal case does not, by itself, create a legal bar against continuation of disciplinary proceedings, particularly where the allegations concern the conduct of a police officer and the maintenance of discipline in the police force.
6. Heard learned counsel for the parties and perused the material placed on record.
7. The question for consideration is whether, in the facts and circumstances of the present case, the departmental proceedings ought to be deferred until the common witnesses have been examined before the criminal

Court.

8. The law on the subject is well settled. There is no absolute or inflexible rule that departmental proceedings must invariably remain stayed during the pendency of a criminal trial. Both proceedings may ordinarily continue simultaneously, as they are distinct in nature and the standard of proof applicable to them is different. However, where the criminal charge is grave, the factual foundation of both proceedings is substantially the same, the witnesses and evidence are common, and continuation of the departmental inquiry is likely to prejudice the defence of the delinquent employee in the criminal trial, deferment of the departmental proceedings may be warranted in the interests of justice.
9. In *Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. and Another*, reported in (1999) 3 SCC 679, the Hon'ble Supreme Court explained the circumstances in which it may be desirable to stay departmental proceedings pending a criminal trial, particularly where the charges are grave and involve complicated questions of fact and law and the evidence in the two proceedings is substantially similar. The principles governing the issue have also been considered in *Divisional Controller, Karnataka State Road Transport Corporation v. M.G. Vittal Rao*, reported in (2012) 1 SCC 442; *Stanzen Toyotetsu India Private Limited v. Girish V. and Others*, reported in (2014) 3 SCC 636; and *State Bank of India and Others v. Neelam Nag and Others*, reported in (2016) 9 SCC 491. The consistent view is that the question of deferment must be determined on the facts of each case, keeping in view the nature of the

allegations, the identity of the evidence and the likelihood of prejudice, while also ensuring that departmental proceedings are not unnecessarily delayed.

10. In the present case, the criminal prosecution arises out of the alleged events of 17.07.2020 and the subsequent death of Smt. Mutika Soni. The departmental charge against the petitioner also concerns her alleged conduct during the same incident and the alleged harassment of the deceased. Thus, at least prima facie, the factual foundation of the departmental charge substantially overlaps with the allegations forming the subject matter of the criminal trial. The material relating to the criminal case, including the police report and the list of witnesses, has been placed before this Court. The depositions of witnesses examined before the Trial Court, as supplied, also refer to the circumstances preceding the death of the deceased, the alleged altercation and the events immediately thereafter. The testimony of the witnesses is, therefore, relevant to the very incident which forms the basis of the criminal prosecution and the departmental charge.
11. A comparison of the material supplied indicates substantial overlap in the subject matter of the two proceedings. The concern raised by the petitioner is not merely that two proceedings are pending simultaneously, but that the examination of common witnesses in the departmental inquiry before their examination in the criminal trial may disclose the defence of the petitioner and adversely affect her position before the criminal Court. It is, however, necessary to clarify that the mere existence of common witnesses would not, in every case, justify

staying the entire departmental inquiry. The relief must be confined to what is necessary to protect the fairness of the criminal trial, without unduly impeding the disciplinary authority in the discharge of its duties. In this regard, the observations of the Hon'ble Supreme Court in *Avinash Sadashiv Bhosale (Dead) through LRs. v. Union of India*, reported in (2012) 13 SCC 142, and *Shashi Bhushan Prasad v. Inspector General, C.I.S.F., Civil Appeal No. 7130 of 2009*, decided on 01.08.2019, may also be kept in view while applying the settled principles to the facts of the present case.

12. Having regard to the nature of the allegations, the substantial overlap between the factual issues involved in the criminal case and the departmental charge, and the material indicating that witnesses to the incident are common to both proceedings, this Court is of the considered view that the interests of justice would be served by deferring the examination of common witnesses in the departmental inquiry until they have been examined before the Trial Court in the pending criminal case. Such a course would safeguard the petitioner against the possibility of premature disclosure of her defence, while at the same time preserving the authority of the departmental authorities to proceed with the inquiry in accordance with law. The direction is not intended to suspend disciplinary action indefinitely or to prevent the authorities from taking steps which do not cause prejudice to the petitioner's defence in the criminal trial.
13. Accordingly, it is directed that the respondents shall defer the examination of those witnesses in the departmental inquiry against the

petitioner who are also cited as witnesses in the pending criminal case arising out of Crime No. 199/2020 registered at Police Station Purani Bhilai, District Durg, until such common witnesses have been examined before the competent Trial Court. The departmental proceedings shall thereafter continue in accordance with law, subject to the applicable service rules and the observations made hereinabove.

14. With the aforesaid directions, the writ petition stands allowed and disposed of.

SD/-
(Bibhu Datta Guru)
JUDGE

ashu