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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2672/2018

NEHA NARANG

..... Petitioner

Through: Mr Amit Kumar, Advocate.

versus

UNION OF INDIA & OTHERS

..... Respondents

Through: Mr Anil Soni, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.01.2020**

1. The petitioner has filed the present petition, *inter alia*, seeking to impugn a report dated 27.02.2018 submitted by the Internal Complaints Committee (ICC) of respondent no.2. The petitioner has also sought other reliefs including seeking a direction to respondent no.2 to initiate disciplinary proceedings against respondent no.5.

2. Without going into the merits of the petition, this Court is of the view that the reliefs as sought by the petitioner does not fall within the scope of criminal proceedings and, therefore, the criminal writ would not be maintainable.

3. The Full Bench of this Court in ***C.S. Agarwal v. State and Ors.: 2011 (125) DRJ 241 (FB)*** had referred to the following observations of Constitution Bench of the Supreme Court in ***S.A.L. Narayan Row and Anr. v. Ishwarlal Bhagwandas and Anr.: AIR 1965 SC 1818 :-***

“A criminal proceeding on the other hand is ordinarily one in which if carried to its conclusion it may result in the imposition of sentences such as death, imprisonment, fine

or forfeiture of property.”

4. Clearly, if the allegations against the accused were accepted by the ICC, the same would lead to departmental action and not imprisonment of the accused.

5. The learned counsel appearing for the petitioner has referred to Section 19 of Chapter VI of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and submits that the duties of the employer includes filing a criminal action against the delinquent. There is no dispute as to the duties of the employer. However, in the present case, the challenge is to the findings of the enquiry conducted by ICC and not with regard to any criminal proceedings.

6. In view of the above, the present petition is dismissed leaving it open for the petitioner to avail of appropriate remedies, in accordance with law.

VIBHU BAKHRU, J

JANUARY 21, 2020
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