

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.7317 of 2020 (O&M)

Date of Decision.24.08.2022

Anil Kumar

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash order dated 21.09.2019 vide which the Superintendent of Police, Sonipat has initiated departmental inquiry against the petitioner, who was facing charges in FIR No.307 dated 16.09.2019 under Sections 363, 366A IPC registered at Police Station, Murthal.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner had been nominated as an accused under Section 363/366A IPC in FIR No.307 dated 16.09.2019 registered at Police Station, Murthal on the allegation of kidnapping a girl. Pursuant to registration of the FIR, the Superintendent of Police initiated a departmental enquiry and the inquiry officer issued summary of allegations, which were same as the allegations involved in the FIR. It is contended that vide order dated 17.06.2020 passed by this Court, departmental proceedings were stayed. It is further contended that since the petitioner stands acquitted in the criminal trial, departmental proceedings should be quashed. He would rely upon the

judgment rendered by this Court in CWP No.827 of 2014 titled as *Dharamveer Vs. State of Haryana and others* decided on 16.11.2017, in support of his argument.

Learned counsel appearing on behalf of the respondent-Stat would submit that application of Rule 16.3 of the Punjab Police Rules, 1934 as applicable to Haryana is not automatic. It is submitted that proviso to Rule 16.3 would not apply in case of the petitioner since prosecution witnesses have been won over. She would rely upon the judgment rendered by a Division Bench of this Court in *State of Haryana and others Vs. Satish Kumar* LPA No.565 of 2020 decided on 30.05.2022 to argue that acquittal *per se* would not be sufficient to drop departmental proceedings.

I have heard learned counsel for the parties and have perused the paper book. In view of the fact that the trial has concluded vide judgment passed by the Additional Sessions Judge, Fast Track Court, Sonipat, the instant writ petition has rendered infructuous. Consequently, the instant petition stands disposed of with a direction to the respondents to conclude the departmental inquiry.

(JAISHREE THAKUR)
JUDGE

August 24, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No