

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CWP-24102-2023
Date of Decision: 20.10.2023

Narender Singh

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. S.K. Malik, Advocate for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

1. This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the memorandum of allegations/chargesheet, dated 17.08.2023, Annexure P-3, on the ground that the petitioner has already been acquitted by the trial Court in case FIR No.199 dated 19.12.2022, for offences under Sections 10 of the Protection of Children from Sexual Offences Act, 2012 , 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and 354(1)(i), 506 of Indian Penal Code, registered at Police Station Jakhal, District Faridabad.

2. The sole contention of learned counsel for the petitioner is that the petitioner already stands acquitted by the trial Court vide judgment dated 20.05.2023, Annexure P-1, therefore, there is no ground to chargesheet him on the allegations contained in the criminal case and the same deserves to be

3. As apparent on record, the chargesheet has been issued stating that allegations in the criminal case show the petitioner has violated Employee Conduct Rules, 2016, which makes him liable for a strict disciplinary action. It is also apparent that he was acquitted of criminal charges by giving benefit of doubt. Since the chargesheet has been issued for violation of prescribed conduct under the Rules, the petitioner’s acquittal of the criminal charges, that too by giving benefit of doubt, cannot be a ground to set aside the chargesheet. Misconduct under the service Rules is different from a criminal charge, though based on the same set of allegations, and can be established on independent material/evidence despite the acquittal. Accordingly, the petition is devoid of merit, and cannot be entertained.

4. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

20.10.2023
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>