



208

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

CWP-12298-2021 (O&M)
Date of decision: 17.05.2024

Ashok Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhilaksh Grover, Advocate and
Ms. Nandini Gupta, Advocate and
Ms. Khushboo Garg, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the order dated 28.05.2021 (Annexure P-6) passed by respondent No.1 whereby the revision petition of the petitioner against the order dated 12.10.2020 (Annexure P-4) was dismissed. Further prayer has been made for setting aside the order dated 12.10.2020 (Annexure P-4) passed by respondent No.2 and also the order dated 13.08.2020 (Annexure P-2) passed by respondent No.3.

2. Learned counsel for the petitioner has submitted that in the present case, FIR No.389 dated 18.07.2020 was registered under Section 354-D of the Indian Penal Code, 1860 and Section 67A of the Information Technology Act, 2008 against the petitioner on the allegations that the



petitioner had misbehaved and had sent objectionable videos through WhatsApp to the complainant. It is submitted that vide order dated 13.08.2020, after withdrawing the regular departmental inquiry, the Deputy Commissioner of Police, Headquarters, Faridabad, while exercising the powers conferred under Article 311(2)(b) of the Constitution of India, dismissed the petitioner from service with immediate effect. It is submitted that an appeal was filed against the said order and the Commissioner of Police, Faridabad, vide order dated 12.10.2020, dismissed the same on the ground that there was a delay of 12 days in filing the appeal. Consequently, a revision petition was filed by the petitioner and the Director General of Police, Haryana, dismissed the said revision petition dated 28.05.2021 on merits. It is submitted that one of the aspects which weighed with the authorities was the registration of the FIR by the complainant against the petitioner and that subsequent to the passing of the said revision order, the said FIR has been quashed by a Coordinate Bench of this Court in CRM-M-13808-2022 decided on 20.01.2024, titled as Ashok Kumar Vs. State of Haryana and another, on the basis of compromise. It is further submitted that at any rate, on account of the said subsequent event alone, the matter needs to be reconsidered at the highest level and the order dated 28.05.2021 deserves to be set aside.

3. Learned State Counsel has submitted that in view of the said subsequent event, the Director General of Police, Haryana would reconsider the revision petition, in accordance with law, within a period of four months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances and

more so the subsequent fact that FIR No.389 dated 18.07.2020 registered under Section 354-D of the Indian Penal Code, 1860 and Section 67A of the Information Technology Act, 2008 has been quashed, the present Civil Writ Petition is disposed of with the following observations/directions:-

- a) The order dated 28.05.2021 would stand set aside and the Director General of Police, Haryana would reconsider the revision petition and would also take into consideration the subsequent fact of the FIR having been quashed, in accordance with law.
- b) The said exercise would be done within a period of four months from the date of receipt of certified copy of the present order and in case, the Director General of Police, Haryana, is of the opinion that the case of the petitioner is meritorious, then, necessary relief be granted to the petitioner, in accordance with law and in case, Director General of Police, Haryana is of the opinion that the case of the petitioner is not meritorious, then, a speaking order rejecting the same be passed within a period of four months from the date of receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the Director General of Police, Haryana, would reconsider the revision petition independently, in accordance with law.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.05.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No