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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9886/2024 & CRL.M.A. 37871/2024**

R GUNASEKARAN

.....Petitioner

Through: Mr. Abhishek Jebaraj &
Ms. A Aeyana Shruti,
Advs.

versus

STATE (NCT) OF DELHI & ANR.Respondents

Through: Mr. Rajkumar, APP for
the State.
SI Suman, PS Sarita Vihar
& SI Kavita, PS Soputh
Campus.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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17.12.2024

CRL.M.A. 37872/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking quashing of FIR No. 355/2021 dated 20.10.2021, registered at Police Station Sarita Vihar, for offences under Sections 354/354A of the Indian Penal Code, 1860 ('IPC').
4. The FIR was registered on a complaint made by the complainant alleging that the petitioner has outraged her modesty.
5. The learned counsel for the petitioner submits that the petitioner and the complainant used to work in the same school. He submits that the complaint also led to initiation of inquiry by

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the Internal Committee of the school which after a comprehensive inquiry and examining the evidence available including the CCTV footages, exonerated the petitioner.

6. He submits that it is a settled law that once the accused has been exonerated in the departmental / inquiry proceedings on the same set of evidence, the continuance of the criminal proceedings is abuse of process of law. He relies upon the judgment passed by the Hon'ble Apex Court in the case of ***Ashoo Surendranath Tewari v. The Deputy Superintendent of Police, EOW, CBI & Anr. : (2020) 9 SCC 636.***

7. Concededly, the chargesheet has been filed in the present case and now the matter is listed for arguments on charge.

8. It is undisputed that the learned Trial Court is bound to follow the law laid by the learned Apex Court or this Court in regard to the issues raised by the petitioner.

9. The petitioner is at liberty to raise all arguments before the learned Trial Court.

10. Considering that the petitioner has an efficacious alternate remedy, this Court does not consider it apposite to entertain the present petition.

11. The present petition is, therefore, disposed of with liberty to the petitioner to raise all arguments before the learned Trial Court at the time of arguments on charge.

12. The learned Trial Court is directed to consider the arguments raised uninfluenced by the filing of the present petition or its disposal since the same has been disposed of at the outset.

13. Considering that the petitioner is a Senior Citizen, the learned Trial Court is also requested to hear the arguments on charge expeditiously.

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14. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 17, 2024

“SK”