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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
ON THE 10th OF JANUARY, 2024
WRIT PETITION No. 31457 of 2023**

BETWEEN:-

**RANJANA KHANDE D/O SHRI GOVIND LAL, AGE: 40
YEARS, OCCUPATION: SERVICE, R/O: 3, SANJAY
NAGAR, DHAMNOD, DUDHI, DISTRICT DHAR (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI DURGESH SHARMA - ADVOCATE.)

AND

- 1. THE STATE OF MADHYA PRADESH, THROUGH
PRINCIPAL SECRETARY, HOME DEPARTMENT,
VALLABH BHAVAN MANTRALAYA, DISTRICT
BHOPAL (MADHYA PRADESH)**
- 2. ADDITIONAL DEPUTY COMMISSIONER OF
POLICE, NEW POLICE CONTROL ROOM, PALASIA,
INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI TARUN KUSHWAH - GOVERNMENT ADVOCATE.)

*This petition coming on for admission this day, the court passed the
following:*

ORDER

The petitioner has filed the present petition under Article 226 of Constitution of India challenging issuance of charge sheet dated 09.01.2023 (Annexure P/3) by Deputy Commissioner of Police, Headquarters, Indore and communication dated 18.12.2023 (Annexure P/9) issued by Additional Police Deputy Commissioner, Headquarters, Urban Area, Indore with regard to participation in Departmental Enquiry initiated against her.

2. The present petition is filed seeking stay of the proceedings of Departmental Enquiry (D.E.) during pendency of the criminal trial.

3. Learned counsel appearing for the petitioner submits that the charges in the D.E. as well as criminal case are identical. Three witnesses are common in both the trials. If in the trial, the witnesses are not appearing, but whereas D.E. is being proceeded; and if she is compelled to cross-examine the witnesses in the D.E., her defence would be disclosed. Therefore, till the examination of the three witnesses namely Smt. Lilawati W/o Late Shri Hakam Singh Panwar, Bhupendra Panwar S/o Shri Ramgopal Panwar and Mukesh Panwar S/o Shri Ramgopal Panwar before the trial Court, the proceedings in the D.E. be stayed.

4. Learned Government Advocate opposes the aforesaid prayer by submitting that the charges are serious in nature and the deceased was also a Police Officer.

5. This issue has been settled by the Apex Court in **State Bank of India v. Neelam Nag** reported in (2016) 9 SCC 491 and till that the trial cannot be withheld for an indefinite period and directed to conclude the same within one year and till then, the proceedings in the D.E. were stayed. In this case, till examination of three witnesses, or maximum one year, which ever is earlier, the proceedings in D.E. shall remain stayed against the present petitioner.

6. With the aforesaid observation and direction, the present petition stands disposed off.

(VIVEK RUSIA)
JUDGE

rcp