



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.5908 of 2025

Dr. Zamir Khan s/o Salam Khan

vs.

The State of Maharashtra and others.

Mr. Vishnu B. Gawali, Advocate for petitioner.

Ms. K. P Marpakwar, AGP for respondent no. 1.

Mr. F. T. Mirza, Senior Advocate a/b Mr. A. I. Sheikh, Advocate for respondent nos. 2 & 3.

Mr. A. M. Sudame, Advocate for respondent no.4.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE :- 8th DECEMBER, 2025

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In the present petition a challenge is raised to the order of suspension dated 27.06.2025 issued by the respondent no.2. It is further prayed to set aside the enquiry initiated against the petitioner and pending before the respondent no.4-Internal Complaint Committee.

2. The challenge to the suspension order is on the ground that 90 days period is over after initiation of such enquiry. It is argued that the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, 'the Act of 2013') mandate that such enquiry shall be completed within 90 days. Mr. Gawali, learned counsel appearing for the petitioner, states that since the period for completion of enquiry is mandatory under the Act of 2013, impliedly the period of suspension cannot be beyond the period of 90 days.

As far as second challenge is concerned, i.e. for continuation of enquiry by the Internal Complaint Committee, learned counsel for the petitioner has placed reliance upon Section 10(1) and (4) of the Act of 2013.

3. Section 10(1) says that the Internal Committee or the Local Committee, as the case may be, before initiating an enquiry under Section 11 and at the request of aggrieved girl/woman take steps to settle the matter between her and respondent through conciliation. Sub-section (4) of

Section 10 says that where a settlement is arrived at under sub-section (1), no further enquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

We are afraid to note that there is no such settlement arrived at between the petitioner and the aggrieved girl-respondent no.5 before the Internal Complaint Committee at the request of the aggrieved girl.

4. In the present matter, no doubt there are letters issued by the aggrieved girl and her father for withdrawal of the complaint. However, as pointed out by Mr. F. T. Mirza, learned Senior Counsel appearing for the respondent nos.2 and 3, that such withdrawal is under some fear or because of manipulation by the petitioner. Mr. Mirza, learned Senior Counsel, further pointed out that in the letter written by the victim girl there is mention that on 23.06.2025 Dr. Jamir Sir called her and begged her to withdraw the complaint saying that his children will face starvation and his character will be ruined. It appears that the petitioner said many other things.

Similarly, it is pointed out that the father of the victim girl sought to withdraw the complaint. From the language of the letter written by father of aggrieved girl, it appears that he has some doubts in his mind that after such enquiry, the matter will be made public and in that case his daughter's future will be ruined.

5. On perusal of statements made by the victim girl and her father in the letters intending to withdraw the complaint, it *prima facie* appears that that such act was not voluntary. As such, the withdrawal of complaint cannot be said to be in compliance with the provisions of Section 10(1) or (4) of the Act of 2013. Thus, the reliance placed by the petitioner on the said provisions is of no help to the petitioner.

6. It is pointed out by the learned counsel for the petitioner that the constitution of Committee is itself bad for the reason that one of the Members of the Committee is an Advocate and as per the provisions of Rule 7(6) of the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Rules, 2013 (for short, 'the Rules of 2013'), there

is a prohibition to allow the parties to bring any legal practitioner to represent them at any stage of the proceedings before the Complaints Committee.

7. It is important to note that the petitioner never raised any grievance about the constitution of the Committee or the duration of the earlier Committee, which according to the petitioner, was not yet over and the new Committee is constituted.

8. Thus, the gist of above referred observations is, the petitioner has failed to point out that after the period of 90 days of the enquiry, suspension needs to be withdrawn. Further, the withdrawal letters issued by the victim girl and her father appear to be result of manipulation or fear and hence, would not cover by Section 10(1) and (4) of the Act of 2013.

9. In the circumstances, we are of the opinion that there is no merit in the present writ petition. Accordingly, it is dismissed. No costs.

The interim direction not to proceed with the enquiry issued vide order dated 06.10.2025 stands vacated.

10. Considering the above referred fact, liberty is granted to the petitioner to apply for setting aside the no cross order as passed by the Internal Complaint Committee. If such application is made within one week by the petitioner to the Internal Complaint Committee, the said Committee shall decide the same in accordance with law keeping in view the pendency of the petition and the fact that the petitioner was pursuing the remedy before this Court.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.