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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 825/2025**

SMT RAJESH KUMARI SHARMA

.....Petitioner

Through: Mr. Ashok J. Singh, Mr. Deepak
Kumar and Ms. Vinita Singh,
Advocates.

versus

CENTRAL VIGILANCE COMMISSION & ORS.Respondents

Through: Mr. Ravinder Agarwal, Mr. Manish
Kumar Singh and Mr. Vasu Agarwal,
Advocates for R-1/CVC.
Mr. Shailendra Babbar, Mr. Ojas
Mittal, Mr. Avinash Das and
Mr. Shourya Sharma, Advocates for
R-5.
Mr. Anupam S. Shaarma, SPP for
CBI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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22.07.2025

1. Through the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to erstwhile Section 482 of the Code of Criminal Procedure, 1973²), the Petitioner seeks issuance of appropriate directions in relation to a complaint dated 3rd January, 2024, against Respondent No. 5, a public servant and IAS Officer currently posted in the Department of Commerce and Industry, Government of India. The Petitioner firstly alleges that Respondent No. 5 has acquired assets disproportionate to his known

¹ "BNSS"

² "Cr.P.C."



sources of income through a network of transactions routed *via* a shell company held in the names of his close family members; and secondly, that Respondents No. 1 to 3, i.e., the concerned authorities, have failed to take cognizance of or initiate any inquiry into the allegations despite the filing of a detailed written complaint. The Petitioner alleges that such actions of Respondent No. 5 violate the SEBI Guidelines on shell companies, the Benami Transaction Amendment Act, 2016³, Income Tax, 1961⁴ and the Prevention of Money Laundering Act, 2002⁵.

2. In the above background, through the present writ petition, the Petitioner seeks the following reliefs:

- “i. Pass an order thereby the Respondents No. 1 to 3 maybe directed to conduct an inquiry against the Respondent No. 5 upon the Complaint dated 03.01.2025 of the Petitioner for and;*
- ii. Pass an order or further orders that the Hon’ble Court may think fit and appropriate in the interest of justice.”*

3. Considering the nature of allegations levelled by the Petitioner in her complaint dated 3rd January, 2025, this Court called upon Respondent No. 1, i.e., the Central Vigilance Commission⁶, to submit a status report. The same has been handed over across the board and is taken on record. The report is summarised as follows:

3.1 The complaint dated 3rd January, 2024, which has been cited by the Petitioner in the present petition was never received at the office of the CVC. It is evident from a bare perusal of the said complaint, which has also been annexed with the present petition that the same was physically delivered to the office of the Central Bureau of Investigation and not the

³ “Benami Transactions Act”

⁴ “IT Act”

⁵ “PMLA”



CVC.

3.2 Nonetheless, two online complaints were received by the CVC wherein similar allegations were made against Respondent No. 5, the details of which are as follows:

- i. Complaint No. 35650/2023, dated 11.11.2023, filed by Mr. Naresh Kumar Sharma (husband of the Petitioner); and
- ii. Complaint No. 40107/2023, dated 22.12.2023, filed by Mrs. Rajesh Kumari Sharma (the Petitioner).

3.3 The Complaint No. 35650/2023, filed by the Petitioner's husband was closed by the CVC on 6th March, 2024, as a pseudonymous complaint, as per the Complaint Handling Policy of the Commission and the relevant government guidelines. This is because the Complainant did not respond to repeated requests to confirm his identity which is a mandatory prerequisite for processing such complaints.

3.4 Complaint No. 40107/2023 was, however, taken on record and forwarded to the Central Vigilance Officer⁷, Department of Commerce, for necessary action. The CVO referred the matter to the Additional Secretary (General), Department of Commerce, who was tasked with conducting a preliminary inquiry.

3.5 The inquiry concluded that the allegations appeared to stem from personal discord between the Petitioner and her family on one side, and Respondent No. 5 and his family members on the other. It was noted that the relatives of Respondent No. 5 were directors of a company named PSV Enterprises, whose office was situated in close proximity to the Petitioner's

⁶ "CVC"

⁷ "CVO"



residence. The property housing the office was alleged to be benami; however, the inquiry did not yield any findings substantiating this allegation.

3.6 It was further reported that the Petitioner and her family had engaged in disputes with occupants of the PSV premises over access and use of the property and common areas, resulting in multiple FIRs being registered by both sides. These disputes, it was observed, were already under investigation by the police. In this backdrop, the Department of Commerce took the view that initiating a broad-based vigilance enquiry would be unwarranted and may unfairly prejudice Respondent No. 5 while criminal proceedings were still underway.

4. This Court has carefully examined the status report placed on record. It is stated that the specific complaint dated 3rd January, 2024, cited in the present petition, was not received by the CVC. However, two other complaints raising similar allegations, one filed by the Petitioner and another by her husband, were received and duly processed. While one was closed for being pseudonymous and non-verifiable, the second, being Complaint No. 40107/2023, was forwarded for appropriate action to the CVO, Department of Commerce. A detailed inquiry was thereafter undertaken by the Additional Secretary (General), who, upon evaluation of the materials and context, concluded that the allegations made against Respondent No. 5 were not borne out on facts and appeared to stem from personal discord rather than any demonstrable misconduct. The findings of the inquiry were thereafter placed before the CVC, which accepted the same.

5. In the above circumstances, this Court finds no reason to interfere under Article 226 of the Constitution. The Petitioner's grievance has already been subjected to a departmental vigilance inquiry, and the outcome of that



process does not disclose any actionable wrong requiring further judicial directions. This Court is mindful of the fact that in matters involving vigilance or disciplinary oversight of public servants, especially where competing private allegations and parallel criminal proceedings are involved, the scope of judicial intervention remains narrow unless there is a demonstrable failure of process, *mala fides*, or manifest illegality, none of which are made out in the present case.

6. Accordingly, the writ petition is dismissed. It is, however, clarified that if the Petitioner remains aggrieved by the findings of the said departmental inquiry or the handling of her complaint by the concerned authorities, she shall remain at liberty to avail of such other remedies as may be permissible in law.

7. The petition is disposed of, along with pending application(s).

SANJEEV NARULA, J

JULY 22, 2025/nk