



2025:DHC:2864-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3531/2025, CM APPLs. 16535/2025 & 16536/2025**

DUSHYANT YADAVPetitioner
Through: **Mr. Bharat Bhushan, Adv.**

versus

UNION OF INDIA & ORS.Respondents
Through: **Mr. Abhishek Khanna, Sr. PC**
with **Ms. Kautilya Birat, GP for UOI**

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **26.03.2025**

C. HARI SHANKAR, J.

1. By this writ petition, the petitioner seeks issuance of a writ of mandamus, directing the Railway Protection Force not to proceed with the disciplinary inquiry against the petitioner, following a charge-sheet issued under Section 9 of the Railway Protection Force Act, 1957 read with Rule 153 of the Railway Protection Force Rules, 1987, till the criminal proceedings, presently pending against the petitioner on the charges which are identical to those forming subject matter of the aforementioned chargesheet, come to an end.

2. Mr. Bharat Bhushan, learned Counsel for the petitioner, has, however, restricted his prayer, during the course of arguments, to a



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restraint against the respondents continuing with the disciplinary proceedings till the completion of recording of evidence in the criminal case.

3. The only issue before this Court is, therefore, whether the petitioner is entitled to a direction, as sought, restraining the respondents from proceeding with the disciplinary proceedings, till recording of evidence in the criminal case pending before the learned Sessions Judge, following FIR 609/2024 dated 25 October 2024, is complete.

4. It is necessary, therefore, for us to reproduce FIR 609/2024, the chargesheet dated 15 January 2025 and the statement of imputation of misconduct as alleged, as annexed to the chargesheet, thus:

FIR 609/2024

“FIRST INFORMATION REPORT

(Under section 173 B.N.S.S)

1 District: NORTH (DELHI) Year: 2024 P.S : SARAI
ROHILLA

FIR NO: 0609
25/10/2024

Date & Time of FIR:

2 Act(s) Section(s)
IPC 1860 376/506

3 Occurrence of offence

(a) Day: Intervening Day Date from: 4/12/2023 Date to:
5/12/2023

Time period: Time from: 16:00 Hrs Time To: 13:00 Hrs



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(b) Information received at P.S Date:25/10/2024 Time: 14:56
Hrs

(c) General Diary Refrence Entry NO.:129A Date/Time:
25/10/2204; 16:27

4 Type of Information: Written

5 Place of Occurrence

(a) Direction and Distance from P.S: SOUTH-EAST 1 KM
Beat No. 03

(b) Address: HOTEL DELHI DELIGHT, 9834A AHATA
THAKUR DAS, SARAI ROHILLA RAILWAY STATION GATE
NO.1

(c) In case, outside the limit of the Police Station

Name of P. S

District

6 Complainant/Informant

(a) Name: XXXXXXXXXXXXXXXXXXXX

(b) Date/Year of Birth: 2000 Nationality: INDIA

(c) Passport No. Date of issue: Place of Issue:

(d) Occupation: NOT KNOWN

(e) Address: YYYYYYYYYYYYYYYYYYYYYYYYYYYYYY

7 Details of Known /Suspect/ Unknown accused with full
particulars (attach separate sheet if necessary)

8 Reason for delay in reporting by the complainant/informant
: NO DELAY

9 Particulars of the properties stolen/involved (attach separate
sheet if necessary):

SI.NO	property Type (descripton)	Est. value
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10 Total value of property stolen:

11 Inquest Report/U.D. Case No. if any:

12 FIR Contents (attach separate sheet, if required)



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To, The Honorable Station House Officer, Sarai Rohilla Police Station, New Delhi.

Subject: Request for Legal Action Respected Sir, I, the complainant, *****¹, ***** respectfully submit this complaint. My contact number is *****. Sir, in the year 2020, I came into contact with the accused, Dushyant, through Facebook. After some time, we exchanged phone numbers and started communicating regularly. Dushyant often called me from his mobile number 7300297298. Over time, our friendship developed into love, and Dushyant proposed marriage to me, to which I agreed. However, after nearly two years, I became suspicious and confronted Dushyant about whether he was married. He admitted that he was already married. Upon learning this, I stopped talking to him.

For about 1-2 months, I had no communication with Dushyant. However, he started making his friends call me and persuade me to talk to him. When I eventually spoke to Dushyant, he told me that his wife was not living with him, they were having disputes, and their divorce was imminent. In December 2023, I was preparing for the Uttar Pradesh Police examination, which was scheduled for February 2024. I was traveling from my hostel in Jaipur to my home in *****. Dushyant requested me to stop by Delhi to celebrate his birthday and assured me that he would book my ticket. I agreed and came to Delhi for his birthday. On December 4, 2023, around 4:05 PM, I arrived at Sarai Rohilla Railway Station. Dushyant picked me up and took me to Hotel Delhi Delight, located at 9834-A, Ahata Thakur Dass, Sarai Rohilla Railway Station, Gate No. 01, Karol Bagh, New Delhi. When I asked him why none of his friends were present, he said, "Since you are here, no one else is needed." That evening, we celebrated his birthday at the hotel. Before going to bed, he gave me a drink mixed with an intoxicating substance, which made me unconscious. In this state, Dushyant forcefully attempted to establish physical relations with me. I refused, but he insisted, saying that we were going to get married anyway. Despite my clear refusal, he forcibly engaged in sexual relations with me. I was in no condition to resist. The next morning, when I regained full consciousness, I realized what had happened and started crying. Dushyant consoled me, saying, "Why are you crying? We will get married." Later, he took me to India Gate for an outing, and by the evening, I returned to my home in

¹ Details of the complainant have been masked



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Kushinagar. When my period was delayed, I informed Dushyant, and he asked me to take a pregnancy test. Upon testing, I found out that I was pregnant. When I informed him, he insisted that I take abortion pills, warning that my upcoming physical fitness test for the police recruitment would be affected. He pleaded with me over video calls, urging me to terminate the pregnancy. Under his pressure, I took the abortion pills. However, to avoid suspicion at home, I did not consult a doctor. After the abortion, Dushyant's behavior changed drastically. He stopped talking to me, and when I confronted him, he clearly stated that he did not want to marry me. He then blocked me from all means of communication. During this time, he also threatened to falsely implicate me and my family in legal cases, due to which I was afraid to report the incident earlier. Dushyant deceived me with false promises of marriage and exploited me physically. I request legal action against him. Complainant: ***** Mobile *****.

Attested by: SI Manisha Sharma, PS Sarai Rohilla Date: 25-10-24.

Respected Sir,

While I, SI, was present at the police station, the Duty Officer presented the complainant before me for necessary action. After preliminary discussions, the complainant underwent counseling, and she submitted her written statement. Based on her statement, it was found that an offense under Sections 376 (Rape) and 506(Criminal Intimidation) of the Indian Penal Code (IPC) had been committed. To register the case, the written complaint was submitted to the Duty Officer. An FIR was registered, and the complainant was informed of the case number. The original complaint and FIR copy were handed over to me for further action. Date & Time of Incident: 04/12/2023 at 4 PM to 05/12/2023 at 01:00 PM

Place of Incident: Hotel Delhi Delight, 9834-A, Ahata Thakur Dass, Sarai Rohilla,

Railway Station, Gate No. 1, Karol Bagh, New Delhi

Date & Time of Complaint Submission: 25/10/2024 at 02:55 PM
Signed: SI

Manisha Sharma, PS Sarai Rohilla Date: 25/10/24 Police Action:



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A complaint was submitted by W/SI Manisha Sharma on 25/10/2024. Upon receipt of the complaint, I, ASI, registered case no. 609/24 under Sections 376/506 IPC and ensured that the FIR copy and original complaint were recorded in the register. The original documents and FIR copy were handed over to W/SI Manisha Sharma for further legal proceedings. All relevant details were communicated to the SHO, and additional documents will be forwarded to senior officers via postal dispatch.

13 Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item no.2:

- (i) Registered the case and took up the investigation:
- (ii) Directed (Name of the I.O.): MANISHA SHARMA Rank: SI (Sub-Inspector)
- (iii) Refused investigation due to:
- (iv) Transferred to P.S.
District:

FIR read over to the complainant/informant admitted to be correctly recorded and a copy given to the complainant/informant free of cost:

ROAC

14 Signature/Thumb Impression of the complainant/Informant

Signature of Officer Name: Tej Pal Singh Rank: ASST. SI

No. 28910523

15 Date and Time of Despatch to the Court:”

Chargesheet dated 15 January 2025

“MEMORANDUM

Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./West/Delhi (Name & Designation of the member of the force) is hereby informed that it is proposed to hold an enquiry against him under Rule 153 of Railway Protection Force Rules, 1987. The allegations on which the enquiry is deposed to be held



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are set out in the enclosed statement of allegations and the charges framed on the basis of the said allegations and the charges are specified in the enclosed statement of charges. A list of document by which and a list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed.

Smt. Sangam Yadav, IPF/RPF/SNP is nominated as Enquiry officer.

The enquiry is fixed 28.01.2025 at 10:00 Hrs. at IPF/RPF/SNP's office, you should attend the enquiry, failing which the enquiry will be conducted ex-parte.

Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./West/Delhi while presenting itself before the enquiry officer may,

- a) Furnish names and addresses of witnesses, if any whom he wishes to call on support of his defence.
- b) Furnish the list of documents, if any, which he wishes to, produce in support of his defence.
- c) Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./West/Delhi is further informed that if for the purpose of preparing his defence he wishes to inspect and take extracts from any official records, he should furnish a list of such records to the enquiry officer not late on----- (indicating allowing at least clear one week) so that arrangements may be made to provide facilities for the purpose. He should, however, note that if in the opinion of the enquiry officer such records are not relevant for the purpose, or it is against the public interest allow him access to such records, he will not be permitted to inspect or take extracts from such records.

1 The attention of Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./ West/Delhi is invited to Rule 143 and 145 of RPF Rules, 1987 under which members of the Force are forbidden from bringing or attempting to bring any political or other outside influence to bear upon any superior activity to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from any other person in respect of any matter dealt within these proceedings it will be



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presumed that Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./ West/Delhi is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of the said Rules.

2 Sh. Dushyant, Under Suspension SI/RPF/Post/RB now attached at Sr.DSC Res./West/Delhi should acknowledge receipt of this charge sheet on the date, it is presented to him by giving his signatures or thumb impression on the acknowledgement form.

DA/Chargesheet, statement of allegation,
List of witnesses and list of relied upon documents”

Statement of Imputation

“On 04.11.2024, at approximately 19:00 hours, Sub-Inspector Dushyant, RPF/Rail Bhawan Post, informed Inspector, RPF/Rail Bhawan Post that Sub-Inspector Vijay Maan (whom he was already acquainted with) had conveyed that a complaint had been lodged against him by a woman named *****, *****. Consequently, he was summoned to the Sarai Rohilla Police Station, Delhi, for questioning. Upon receiving this information, the Inspector, RPF/Rail Bhawan Post, informed the Assistant Security Commissioner, RPF/Rail Bhawan Post, about the matter and proceeded to Sarai Rohilla Police Station, Delhi, to gather further details regarding Sub-Inspector Dushyant, RPF/Rail Bhawan Post. It was stated by Investigation Officer Sub-Inspector Manisha Sharma that a case under Sections 376 and 506 IPC had been registered against Sub-Inspector Dushyant, RPF/Rail Bhawan Post, based on a complaint lodged by the woman *****, *****, at Sarai Rohilla Police Station, Delhi, on 25.10.2024. Sub-Inspector Dushyant, RPF/Rail Bhawan Post, admitted in his statement that he had known the complainant since 2020 through Facebook and had met her in Delhi in December 2023, where they had breakfast together.

As per FIR No. 609/2024, U/S 376, 506 IPC, dated 25.10.2024, registered at Police Station, Delhi Sarai Rohilla, the complainant, *****, filed a complaint against Shri Dushyant, Sub-Inspector, RPF/Rail Bhawan Post, stating: “I, the complainant, *****, *****, am residing in Saiyan. My contact number is *****. In the year 2020, I came into contact with the accused, Dushyant, through Facebook. Within a few days, we exchanged phone numbers and started talking over the phone. Dushyant often called me from his number 7300297298. Our friendship gradually turned into love, and Dushyant proposed marriage, to which I agreed. After about



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two years, when I became suspicious, I directly asked Dushyant whether he was married. He admitted everything. Upon learning this, I stopped talking to him. For about one to two months, I avoided any contact with him, but he started having his friends call me and insist that I speak to him at least once. When I finally talked to Dushyant, he told me that his wife was no longer living with him, that they were having disputes, and that they would be getting divorced soon. In December 2023, I was returning home to ***** from my hostel in Jaipur to prepare for the UP Police exam, scheduled for February 2024. However, Dushyant requested me to stop in Delhi to celebrate his birthday and assured me that he would book my ticket. I agreed and traveled to Delhi for his birthday celebration. On December 4, 2023, I arrived at Delhi Sarai Rohilla Station between 4-5 PM, and from there, Dushyant took me to a hotel nearby. However, no one else was present at the celebration except Dushyant. When I asked him why no one else had come, he said that since I was there, no one else was needed. After celebrating his birthday, before going to sleep, he gave me something mixed with an intoxicating substance, due to which I lost consciousness. Taking advantage of my state, he forcibly tried to have physical relations with me. I refused and told him that I would not do anything before marriage. However, despite my resistance, he forced himself on me. I was not in a condition to resist his advances. When I woke up in the morning and regained full consciousness, I realized what had happened and started crying. Dushyant consoled me, saying there was no need to cry as we would get married. Later, he took me to visit India Gate, and in the evening, I returned home to XXXXXXXXXX by train. When my menstrual cycle was delayed, I informed Dushyant. He asked me to check using a pregnancy test kit. Upon testing, I found out that I was pregnant. When I told him about it, he insisted that I take abortion pills. I refused, but he pressured me, saying that I had my police physical examination coming up and that I wouldn't be able to clear it if I were pregnant. He even pleaded with me over a video call, saying that we could have children later. Eventually, I gave in to his pressure and took the abortion pills. After my abortion, I didn't consult a doctor, fearing that my family might find out. After that, Dushyant's behavior completely changed. He stopped talking to me. When I confronted him about his sudden change, he bluntly told me that he had no intention of marrying me. Following this, Dushyant blocked me everywhere and even threatened to falsely implicate me and my family in legal cases. Out of fear, I did not file a complaint earlier. Dushyant deceived me with false promises of marriage and established physical relations with me against my will. Therefore, I request legal action to be taken against him." In coordination with the manager of Hotel Delight, Delhi Sarai Rohilla, an inquiry was conducted regarding any room booking under the names of Dushyant or ***** on the dates 04.12.2023 and



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05.12.2023. According to the hotel records, a room with entry number 4724 was booked under the names of Dushyant Yadav and ***** on 04.12.2023, which was vacated on the morning of 05.12.2023. Therefore, the possibility of both individuals meeting cannot be ruled out.

In light of the above actions of Shri Dushyant, son of Shri Chhote Lal, a suspended Sub-Inspector, RPF/Rail Bhawan Post, it is evident that he has neglected his official duties, engaged in suspicious conduct, and tarnished the image of the force. Consequently, he is being charged under Rule 153 of the RPF Rules, 1987.

Security Commissioner-II
Railway Protection Force
Delhi”

5. There is a considerable body of law on the aspect of whether the disciplinary proceedings can be directed to be stayed, pending the continuance of conclusion of criminal proceedings based on the same allegations and, perhaps, even on the same evidence.

6. One may chart the precedential history thus:

Stanzen Toyotetsu India (P) Ltd v Girish V²

10. The relatively recent decision of this Court in **Karnataka SRTC v M.G. Vittal Rao³** is a timely reminder of the principles that are applicable in such situations succinctly summed up in the following words:

(i) There is no legal bar for both the proceedings to go on simultaneously.

(ii) The only valid ground for claiming that the disciplinary proceedings may be stayed would be to ensure that the defence of the employee in the criminal case may not be prejudiced. But even such grounds would be available only in cases involving complex questions of facts

² (2014) 3 SCC 636

³ (2012) 1 SCC 442



and law.

(iii) Such defence ought not to be permitted to unnecessarily delay the departmental proceedings. The interest of the delinquent officer as well as the employer clearly lies in a prompt conclusion of the disciplinary proceedings.

(iv) Departmental proceedings can go on simultaneously to the criminal trial, except where both the proceedings are based on the same set of facts and the evidence in both the proceedings is common.

11. We may also refer to the decision of this Court in **Capt. M. Paul Anthony v Bharat Gold Mines Ltd.**⁴, where this Court reviewed the case law on the subject to identify the following broad principles for application in the facts and circumstances of a given case:

(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge-sheet.

(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings,

⁴ (1999) 3 SCC 679



even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, the administration may get rid of him at the earliest.

16. Suffice it to say that while there is no legal bar to the holding of the disciplinary proceedings and the criminal trial simultaneously, stay of disciplinary proceedings may be an advisable course in cases where the criminal charge against the employee is grave and continuance of the disciplinary proceedings is likely to prejudice their defence before the criminal court. Gravity of the charge is, however, not by itself enough to determine the question unless the charge involves complicated question of law and fact. The court examining the question must also keep in mind that criminal trials get prolonged indefinitely especially where the number of accused arraigned for trial is large as is the case at hand and so are the number of witnesses cited by the prosecution. The court, therefore, has to draw a balance between the need for a fair trial to the accused on the one hand and the competing demand for an expeditious conclusion of the ongoing disciplinary proceedings on the other. An early conclusion of the disciplinary proceedings has itself been seen by this Court to be in the interest of the employees.

SBI v Neelam Nag⁵

13. We have heard the learned counsel for the parties at some length. The only question that arises for consideration is no more res integra. It is well settled that there is no legal bar to the conduct of the disciplinary proceedings and criminal trial simultaneously. However, no straitjacket formula can be spelt out and the Court has to keep in mind the broad approach to be adopted in such matters on case-to-case basis. The contour of the approach to be adopted by the Court has been delineated in a series of decisions.

18. In the peculiar facts of the present case, therefore, we accede to the contention of the appellants that the pendency of the criminal case against the respondent cannot be the sole basis to

⁵ (2016) 9 SCC 491



suspend the disciplinary proceedings initiated against Respondent 1 for an indefinite period; and in larger public interest, the order as passed in *Stanzen case* be followed even in the fact situation of the present case, to balance the equities.

SBI v P. Zadenga⁶,

23. Keeping in view *Neelam Nag*, the following essentialities may be culled out for the operation of Clause 4:

- (a) At least one year ought to have passed since attempts to get the delinquent employee prosecuted;
- (b) If, after the passage of such time, no prosecution is initiated, then the department may proceed in accordance with its procedure for disciplinary action;
- (c) If the prosecution commences later in point of time to the disciplinary proceedings, the latter shall be stayed, but not indefinitely. Such proceedings are to be stayed only for a reasonable period of time, which is a matter of determination as per the circumstances of each case.

31. As a principle of law, we have already observed that a departmental proceeding pending criminal trial would not warrant an automatic stay unless, of course, a complicated question of law is involved. Also, acquittal in a criminal case ipso facto would not be tantamount to closure or culmination of proceedings in favour of a delinquent employee.

7. From a reading of the aforesaid judgments, the principles that emerge are the following:

- (i) Stay of the disciplinary proceedings pending criminal trial is not automatic or a matter of course but can only be granted for a reasonable period of time depending on the circumstances of each case.

⁶ (2023) 10 SCC 675



- (ii) The gravity of the charge is itself not enough for stay, unless there is a complicated question of law involved or if the continuance of the disciplinary proceedings would prejudice the applicant's case before the criminal court.
- (iii) A balance needs to be drawn between the need for a fair trial and the expeditious completion of the proceedings.

8. Thus, it is clear that there is no sacrosanct principle of law that, merely because the disciplinary proceedings and the criminal proceedings are based on the same set of facts, and involve the same allegations, the concerned officer or employee has an inflexible right to stay of the disciplinary proceedings pending conclusion of the criminal proceedings.

9. The decisions cited *supra* also note the concern expressed by the employee that, if the disciplinary proceedings are allowed to continue, it may result in the employee having to disclose his defence, which may prejudice his case in the criminal proceedings. Despite this, the Supreme Court has held that courts should not, merely on this consideration, stay disciplinary proceedings, especially whether the charge involved is grave, in which case the interests of justice require that the proceedings are brought to an end expeditiously.

10. Ergo, the Supreme Court has included, among the considerations which should guide courts in that regard, the issue of whether the charges are grave, and whether the case involves complex



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issues of fact and law, as would be required to be appropriately decided by the Court.

11. Though Mr. Bharat Bhushan emphatically sought to contend that the present case involves complex questions of fact and law, to our opinion, a bare reading of the charge against the petitioner does not reveal this to be the case. The issue in question is merely whether the petitioner has, or has not, committed the act or acts with which he has been charged, whether in the disciplinary proceedings or in the criminal case. The fact that this may require evidence to be led, and the statement of witnesses, perhaps, to be recorded, does not *ipso facto* render it a case involving complex questions of fact and law. The Inquiry Officer is well within his authority in calling for the witnesses and in recording the statements.

12. Mr. Bharat Bhushan has placed reliance on the judgment of a learned Single Judge of High Court of Chhattisgarh in *Talendra Chandrakar v State of Chhattisgarh*⁷.

13. With respect, we find that the said decision does not address the issue of whether the questions of fact and law involved in the case for complex, so as to justify a stay of the disciplinary proceedings. This, as we have noted, is a relevant consideration, which has to be borne in mind before any order of stay is passed. We therefore regret our inability to subscribe with the view expressed by the learned Single Judge of the High Court of Chhattisgarh in *Talendra Chandrakar*.

⁷ Judgment Dated 1 July 2020 in WPS No.2386/2020



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14. As such, we are not inclined to grant the relief sought in the writ petition, which is for staying the disciplinary proceedings, pending either conclusion of the criminal case or conclusion of recording of evidence in the criminal proceedings.

15. However, given the nature of the allegations against the petitioner, we grant liberty to the petitioner, should he so choose, to make a request to the Inquiry Officer to conduct the inquiry proceedings in camera, so that the proceedings are not made public and do not fall into the wrong hands. In case such a request is made, we expect the Inquiry Officer to take a proactive view in the matter and if possible, to accede to the request.

16. Subject to the aforesaid limited caveat, we find no reason to grant the reliefs in the writ petition, which is accordingly disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 26, 2025/aky

Click here to check corrigendum, if any