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

+ **W.P.(CRL) 1464/2021**

RAKESH KUMAR GUPTA

.....Petitioner

Through: Mr. Ashutosh Kaushik, Advocate
with Mr. Kartik Misra, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR..Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.)
with Mr. Alok Sharma, Ms. Jyotsana
Pandit and Mr. Mohit Raj Nagar,
Advocates for the State with SI Anil,
PS Seema Puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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10.03.2025

1. Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C'*) has been filed on behalf of the Petitioner, Rakesh Kumar Gupta for quashing the FIR No. 0224/2017 under Section 354A and 323 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) dated 06.04.2017 registered at Police Station New Seemapuri, New Delhi.
2. The aforesaid FIR has been registered on the allegations of the Complainant/Respondent No. 2, who has stated that on the day of accident i.e. 06.04.2017, she was on substantive post in TGT (Math) and has been



asked by the superior to assist Deputy Education Officer, Zone III, an Order in this regard to do legal work, had been issued by the Competent Authority.

3. On 05.04.2017 at around 2:00 p.m, when she was doing her work in Govt. Boys Sr. Sec. School, New Seemapuri, one phone call came on the landline number of the School, which was picked up by the Computer Operator. The call was meant for Mr. Rakesh Kumar Gupta, Vice Principal, who was called by the Computer Operator to attend the call, which got disconnected in the meanwhile.

4. As the call got disconnected, Mr. Rakesh Kumar Gupta turned to the side of the Complainant, who was sitting there and doing her work as per the Order of the Competent Authority. Mr. Rakesh Kumar Gupta started throwing the Department files with which she was dealing. She tried to stop him from doing so, which made Mr. Rakesh Kumar Gupta angry and he touched her hands and pushed her back, which resulted in her bangles being broken.

5. She was upset by the behaviour and conduct of Mr. Rakesh Kumar Gupta and called Deputy Director, Mr. M.L. Ambhore and also called the Police. She also informed her husband, Mr. Sanjay Jain. Both Police and her husband arrived. She gave a written Complaint to the Police on which FIR No. 0224/2017 under Section 354A and 323 of IPC dated 06.04.2017 was registered at Police Station New Seemapuri, New Delhi. After due investigation, the Charge-Sheet has been filed on 12.02.2021 under Sections 354A/323/186/353/332 and Section 506 of IPC.

6. Learned ASC for the State, submits that from the Complaint, it cannot be concluded that there is no sexual harassment offence *prima facie* made out from the Complaint.



7. **Submissions heard and the record perused.**

8. By way of the present Petition, the FIR and all the proceedings emanating therefrom, have been questioned.

9. Pertinently, from the bare perusal of the Complaint, it is evident that there is no case of sexual assault but only of physical assault about which the Complainant has also stated in this Court on 04.08.2023 that it is a Departmental matter and she has already taken VRS.

10. A sexual harassment Complaint also got filed in which Enquiry was conducted by the Internal Complaints Committee (ICC). The Statement of the Complaint was recorded on 05.07.2017, before the ICC wherein she admitted that she had registered a Complaint against the Petitioner on 06.04.2017, but the nature of Complaint was obstruction of duty and not sexual harassment.

11. From the bare perusal of the contents of the FIR, it is evident that there was no offence of sexual harassment that was committed and *prima facie* no offence under Section 354A of the IPC is made out. Insofar as, other offences are concerned, it is informed that the matter is pending at the stage of arguments on Charge.

12. Parties are directed to appear before the learned Trial Court, who would give an opportunity to the parties, for addressing arguments on Charge and framed them, in accordance with law.

13. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

MARCH 10, 2025/RS