



2025:DHC:11412-DB



\$~17

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

+ **W.P.(C) 6782/2025**

WAMAN MAHENDRA NAVNATHPetitioner
Through: Ms. Rhea Verma, Ms. Rajul
Jain and Ms. Kavita Chaturvedi, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Farman Ali, CGSC with
Ms. Usha Jamnal, Adv. and Mr. Shiva Kant,
AC and Insp. Prahlad

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **05.12.2025**

C. HARI SHANKAR, J.

1. The petitioner applied for recruitment as Constable (General Duty) in the Central Industrial Security Force¹ in 2023. He participated in all rounds of selection, and was issued a letter requiring him to join as Constable on 18 December 2024. At the training center, the petitioner was required to disclose whether there was any pending criminal case against him, as well as the status thereof. The petitioner truthfully disclosed that FIR 202/2018 had been registered against him on 16 June 2018 at PS Bhingar Camp, Ahmednagar, Gujarat, under Sections 326, 341, 143, 147, 148 and 149 of the Indian Penal Code, 1860 read with Sections 3/25 and 4/25 of the Arms Act, 1959 and



2025:DHC:11412-DB



Sections 37(1), (3) and 135 of the Bombay Police Act, 1951. Even prior to his applying for recruitment, the petitioner had been acquitted of all charges in the FIR, *vide* judgement dated 10 December 2021 of the learned Judicial Magistrate First Class², Ahmednagar.

2. Nonetheless, by order dated 7 April 2025, the 19th Standing Screening Committee of the CISF rejected the petitioner as unsuitable for employment in the CISF. No reasons were provided, besides stating that the decision had been taken in the light of UO dated 1 February 2012, Corrigendum dated 16 July 2020 and Office Memorandum³ dated 18 July 2019 of the Ministry of Home Affairs⁴ read with the judgement of the Supreme Court in *Avtar Singh v. Union of India*⁵.

3. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

4. We have heard, at length, Ms. Rhea Verma for the petitioner and Mr. Farman Ali, learned CGSC, for the respondents.

5. Ms. Verma submits that the acquittal of the petitioner in the criminal proceedings following FIR 202/2018 is an honourable acquittal and that, therefore, there was no justification to terminate him from service.

² “JMFC” hereinafter

³ “OM” hereinafter

⁴ “MHA” hereinafter

⁵ (2016) 8 SCC 471



2025:DHC:11412-DB



6. As against this, Mr. Farman Ali submits that the Policy Guidelines on the basis of which the suitability of candidates who had been involved in criminal cases for recruitment to the CAPFs was to be assessed are contained in MHA UO Note dated 1 February 2012, para 2(v) of which reads thus:

“Notwithstanding the provisions of para 3(iii) above, such candidates against whom a charge sheet in a criminal case has been filed in Court and the charges fall in the category of serious offences or moral turpitude, though later on acquitted by extending benefit of doubt or acquitted for the reason that the witnesses have turned hostile due to fear of reprisal by the accused person(s), he/she will generally not be considered suitable for appointment in the CAPFs.”

Mr. Ali submits that the offences under Sections 3/25 and 4/25 of the Arms Act, read with Section 201 of the IPC, were serious offences, and that the acquittal of the petitioner, by the JMFC, which was on the basis of a compromise, could not, be regarded as an honourable or clean acquittal.

7. The controversy revolves around the judgement dated 10 December 2021 of the learned JMFC, whereby the petitioner was acquitted of the charges against him. We deem it appropriate to reproduce the judgement *in extenso*, thus:

“Judgment
(Declared on 10th Dec, 2021)

1) The said case is registered against accused persons for the offences Punishable under sections 143, 147, 148, 323 R/w. 149 of IPC, 1860 with Sec. 3 and 4 of Arms Act and Sec. 37(1)(3) of Mumbai Police Act and to that respect charge also framed against them under above mentioned sections.

The case of Prosecution is that

Signature Not Verified

Digitally Signed By: AWP.(C) 6782/2025
KUMAR
Signing Date: 16.12.2025
17:10:49

Page 3 of 10



2025:DHC:11412-DB



2) That, the complainant Kapil Kundlik Shinde R/o Devgaon, Tal & Dist. Ahmednagar, is residing with his family members. On 16/06/2018, at about 6.15 p.m. he along with his friend Sagar Ambadas Shinde were proceeding on motor cycle towards Kapurwadi. When they reached at Shettale of Borkar, at that time their motor cycle has been obstructed by accused persons and they have assaulted on their left shoulder and legs with the help of wooden log. It is further case of prosecution that, accused Ankush showed Pistol, at that time complainant and his friends assaulted by the accused persons. Same time accused Avinash has assaulted on their legs with the help of sword and along them left the said incident. Then after complainant's friend Sagar and complainant arrived at Police Station and then they have taken treatment in Kalmakar Hospital, Ahmednagar for further medical treatment. At the time of taking treatment, police have recorded their statements.

3) On the basis of depositions, Bhingar Camp Police Station has registered Crime No. 1-202/2018 for the offences punishable under sec. 143, 147, 148, 323 R/w Sec. 149 of IPC, 1860 with Sec. 3 and 4 of Arms Act and Sec. 37(1)(3) of Mumbai Police Act. The investigating Officer has recorded statements of witnesses and also prepared Spot Panchnama. Then, letter issue to injured and obtained medical certificate, after seized the Muddemal, receipt has been prepared and send to police station. Police have recorded statement of complainant under section 164 of Cr.P.C. and also prepared seized Panchanama of clothes. After completion of investigation Charge-sheet is send to the court against accused persons.

4) After considering the case of prosecution charge was framed against accused persons, for the offences punishable under sec. 143, 147, 148, 323 R/w Sec. 149 of IPC, 1860 with Sec. 3 and 4 of Arms Act and Sec. 3 7(1)(3) of Mumbai Police Act, bolw Exh. 24 and read over to accused. Accused have denied the crime registered against them which is at Exh. 25 to 28.

5) Statement of accused persons came to be recorded at Exh. 40.

6) After considering the oral argument of the learned council for prosecution and accused as well as considering the relevant documents, following issues and findings given which is as under.

Sr. No.	Issues	Findings
1.	Does Prosecution prove that, on 16/06/2018 at about 6.15 p.m. at	No

Signature Not Verified

Digitally Signed By: AWP.(C) 6782/2025
KUMAR
Signing Date: 16.12.2025
17:10:49

Page 4 of 10



2025:DHC:11412-DB



	Kapurwadi village near stream of Borkar, accused persons intentionally illegally assembled and they have committed criminal force on complainant and pillion riders Sagar Ambadas Shinde and committed offence punishable under section 143 of IPC-1860	
2.	Does the prosecution prove that, on the date, time and place of incident, accused persons illegally assembled and caused serious injury to complainant and Sagar. Thus, accused persons have committed offence u/sec. 147 of IPC.	No
3.	Does prosecution prove that, at the date, time and incident accused persons illegally assembled and they caused injury to complainant with the help of wooden log, sword and pistol and caused dangerous life of complainant. Thus, accused persons committed offence under section 148 of IPC.	No
4.	Does Prosecution prove that, at the date, time and incident accused persons assaulted the complainant on the help of wooden log and sword and they would responsible for causing death of complainant. Thus, accused have committed offence punishable under section 323 R/w sec. 149 of IPC.	No
5.	Does Prosecution prove that, at the date, time and incident accused persons kept pistol and sword in their possession and committed violation of section 3 and 4 of Arms Act with Section 25. ?	No
6.	Does Prosecution prove that, at the date, time and incident accused persons committed violation of section 37(1)(3)/135 of Mumbai Police Act.	No
7.	What Order ?	Accused is acquitted beyond

Signature Not Verified

Digitally Signed By: AWTP.(C) 6782/2025
KUMAR
Signing Date: 16.12.2025
17:10:49

Page 5 of 10



2025:DHC:11412-DB



		reasonable doubt.
--	--	-------------------

REASONING

7) To prove the guilt charges against accused persons, the prosecution has examined P. W .1- complainant Kapil Kundlik Shinde at Exh. 34 and evidence of P.W-2 Sagar Ambadas Shinde at Exh. 36 came to recorded.

Except the oral evidence of complainant, complainant's signature at Exh. 35, spot panchnama at Exh. 37 and medical certificate at Exh. 38 court relied on these documents.

Issue nos. 1 to 7:-

To prove the charges against accused persons Prosecution has examined complainant i.e. PW-1 Kapil Kundlik Shinde, who examined in his affidavit chief examination on 16/06/2018 at about 6.15 p.m., they were proceeding on motor cycle towards Devgaon, their vehicle slept and due to that they fallen down and then after they have not remembered what happened.

9) The Prosecution witnesses are not corroborating to the prosecution case. The witnesses have specifically admitted that, they have not remembered when they went at police station. They failed to tell the real facts in respect of complaint. They have specifically admitted that, their signature Exh. No. 35. They identify the accused. They have admitted that, though previous quarrel took place between them but it was settled and no any complaint against them.

10) The complainant has specifically denied the involvement of accused in the crime and they have further disclosed that out of court compromise has been took place and to that respect application along with pursis at Exh. 32 and 33 are filed. While perusing the evidence it clearly indicate that prosecution has specially failed to prove its case. Prosecution witnesses have not corroborated the case of complainant and therefore Prosecution failed to prove the specific involvement of accused in the crime. Therefore, prosecution has not proved the crime against accused persons and therefore without proving the evidence against accused persons, accused are entitled to acquit for the charges leveled against them. Therefore, I am answering the point nos. 1 to 7 in negative finding.



2025:DHC:11412-DB



11) Perusal of charge-sheet in the present case, the details of the so called case are filed in charge-sheet which is at police station and ordered will be passed regarding the same.

12) Prosecution has examined PW-2 Sagar Ambadas Shinde deposed in his affidavit in chief examination that, on 16/06/2018 at about 6.15 p.m. when they were proceeding on two wheeler towards Devgaon, at that time their two wheeler slept in the vicinity of Ghat and due to that both of them fallen down and sustained injury and thereafter they have not remembered what happened. On that day, who has been assaulted and they have not remembered that police have recorded their deposition.

13) The prosecution witness no. 2 is not supporting satisfactory answer to the prosecution case and he has not remembered that he has deposed before police. The said witness further admitted that he identified the accused. The said witness further admitted that previously quarrel took place now compromise took place and therefore no any complaint against them.

14) The prosecution has specifically failed to prove that accused persons has committed offence. The PW-2 has not corroborated the evidence of prosecution case and therefore involvement of accused persons on the date of incident is not proved. Therefore evidence of PW-2 is not helpful witness to the prosecution case and therefore, beyond reasonable doubt accused persons are entitled to acquit for the charges leveled against them. Therefore, I am answering the point nos. 1 to 7 in negative finding.

15) While perusing the charge-sheet the alleged seized muddemal mentioned in charge-sheet, which are already mentioned in police station. Therefore, the such muddemal is not valuable one and therefore after the appeal period it should be spoiled and to that respect I am mentioning in final order.

Point No.7

16) While considering the aforesaid facts, the prosecution has failed to prove the guilt of accused person and therefore without evidence, I am come to conclusion that they are entitled for acquittal. Therefore, on the basis of point no.7, I am passing following order.

Order

1) The accused persons are acquitted for the offence punishable u/s. 143, 147, 148, 323 R/w Sec. 149 of IPC, 1860 with



2025:DHC:11412-DB



Sec. 3 and 4 of Arms Act and Sec. 37(1)(3) of Mumbai Police Act,
under the provision of Sec. 248(1) of Code of Cr.P.C., 1973

- 2) Bail bond is cancel.
- 3) The accused should file PR Bond of Rs. 15,000/- under the provisions of Sec. 437-A of Cr.P.C., 1973
- 4) After the appeal period Muddemal should be demolished
(The decision is declared in court hall)

Sd/-xx
Neha K. Nagargoje
Chief Judicial Magistrate
First Class, Court
No.3, Ahmednagar

Ahmednagar,
Date: 10/12/2021”

8. For the following reasons, we find that the impugned decision, treating the petitioner unsuitable for employment in Central Industrial Security Force⁶ cannot sustain in law. The acquittal of the petitioner by the learned Judicial Magistrate First Class⁷ is, by any reckoning, an honourable acquittal. Though there is a reference to a compromise, it is clear from a holistic reading of the order, that the learned JMFC found no evidence whatsoever against the petitioner. The complainant, too, came forward to state that the petitioner was not involved in the alleged offence. We also find that, unlike most cases we come across, the learned JMFC has not even used the expressions “benefit of doubt” or “beyond reasonable doubt” and has completely exonerated the petitioner on merits.

9. Mr. Farman Ali’s reliance on Clause 2(v) of Policy Guidelines

⁶ “CISF” hereinafter

⁷ “learned JMFC” hereinafter



2025:DHC:11412-DB



dated 1 February 2012 of the Ministry of Home Affairs⁸ can also not come to aid of the respondent. Mr. Farman Ali sought to emphasise the fact that the allegations against the petitioner involved offences under Section 201 of the Indian Penal Code, 1860 and 3/25 and 4/25 of the Arms Act which are serious offences. The MHA Guidelines do not envisage mere allegations of involvement in serious offences by the petitioner, of which the petitioner is subsequently acquitted, as a ground which would suffice to hold the candidate not suitable for employment. The Guidelines state that, if such a candidate who has been accused in serious offences is acquitted “by extending benefit of doubt or acquitted for the reasons that the witnesses have turned hostile due to fear of reprisal by the accused persons”, then the candidate would not be considered suitable. This is not a case in which the acquittal is on benefit of doubt or where the witnesses have turned hostile due to fear of reprisal by the accused.

10. As such, the respondent cannot justifiably seek sanctuary under Clause 2(v) of the MHA Guidelines dated 1 February 2012.

11. The case is, moreover, fully covered by the judgment of the Supreme Court in *Avtar Singh v. Union of India* and our decision in *Srikanta Gorain v. Union of India*⁹.

12. The impugned decision to treat the petitioner as unsuitable for employment in the CISF is therefore quashed and set aside.

⁸ “MHA” hereinafter

⁹ MANU/DEL/8089/2025



2025:DHC:11412-DB



13. The candidature of the petitioner, pursuant to the offer of appointment issued to him, would be processed further in accordance with law. The petitioner would be entitled to all consequential benefits except back wages within four weeks from today.

14. The petition is allowed to the aforesaid extent.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 5, 2025/AR