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

+ **W.P.(CRL) 3340/2023**

OM PRAKASH SINGH

.....Petitioner

Through: Mr. Ravinder S Garia, Mr. Shashank Singh, Mr. Dhananjay Bhattacharya, Advocates.

versus

STATE OF GNCT DELHI & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC (Crl.) with Mr. Abhijeet Kumar and Mr. Anurag Arora, Advocates. Ms. Jyoti, SI, PS-Parliament Street. Mr. Jatin Rajput. Mr. Rajesh Kumar Jha, Mr. Varun Panwar, Mr. Sandeep Kumar and Mr. Amit Kr. Raghav, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.01.2025

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1. The present writ petition seeks quashing of the FIR No. 0128/2019, dated 06th December, 2019, P.S. Parliament Street, New Delhi under Sections 323, 354, 354A, 506 and 509 of the Indian Penal Code, 1860 and also the Chargesheet No. 01/2019 dated 12th October, 2020 and all the consequent proceedings arising therefrom in Criminal Case No. 8521 of 2020.
2. Counsel for the Petitioner states that the Complainant had also filed a complaint of sexual harassment at the workplace against the Petitioner



before the Internal Complaint Committee¹ of the CPWD, where the Petitioner is employed. He submits that after a full-fledged enquiry conducted by the ICC wherein many witnesses were examined, the Petitioner has been exonerated and the allegations made by the Complainant were found not only to be not proved but also false. In fact, he emphasises on the conclusion and recommendations made by the ICC, which reads as follows:

“Conclusion:

The logical conclusion that follows from the above consideration and discussion of evidence, statements, circumstances and record of the case as considered, discussed and analyzed above is that the allegations made by the complainant in her complaint dated 09.12.2019 are found not only to be not proved but false.

Recommendation:

The complaint in question and allegations made therein having been found not proved but also false, it is recommended that-

- (i) the competent authority / disciplinary authority may exonerate the Charged Officer (C.O.) Sh. Om Prakash Singh, AE(E) of the allegations made in the said 'complaint dated 09.12.2019;*
- (ii) take appropriate action against the complainant for making false allegations arid as may be advised against the complainant in light of the findings of fact and conclusions arrived by this committee.”*

3. In light of the above finding of the ICC, counsel for the Petitioner submits that there is no reason for the allegations made in the FIR to sustain. To support his submissions, he places reliance on the judgment of this Court in ***Ajit Kumar v. State of NCT of Delhi***² delivered on 5th December, 2024, wherein on the basis of the accused's exoneration in departmental enquiry, the Court quashed the ongoing criminal proceedings against him. Further, counsel for the Petitioner has also referred to other judgments on this issue which have been noted in Paragraph No. 11 of the aforementioned judgment.

¹ “ICC”

² 2024 SCC OnLine Del 8903



4. The Court has considered the submissions of the Petitioner. The chargesheet has already been filed and arguments on charge are yet to be heard. Thus, in the opinion of the Court, all the averments and the grounds raised by the Petitioner in the present writ petition can be raised before the concerned Trial Court at the stage of charge. The Trial Court is certainly competent to examine these grounds at the stage of charge, in accordance with law.

5. In view of the foregoing, without going into the merits of the case, the present writ petition is disposed of with a direction that the Petitioner shall be free to urge all the grounds urged in the present petition before the Trial Court, at the stage of charge. All such grounds including the case law cited by the Petitioner referred above shall be considered by the Trial Court at the time of framing of charge.

6. All rights and contentions of the parties are left open. The Court has not commented on the merits of the case.

SANJEEV NARULA, J

JANUARY 9, 2025

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