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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17670/2025, CM APPL. 72994/2025, CM APPL. 72995/2025

SURENDER SINGHPetitioner
Through: Dr. S S Hooda and Mr. Shaurya
Pratap Singh, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Rohan Jaitley CGSC, Mr.
Dev Pratap Shahi GP and Mr. Varun Pratap
Singh, Mr. Yogya Bhatia, Advs.
Mr Ajay Pal, Law officer CRPF, Insp
Athurv CRPF, Mr Ramniwas Yadav CRPF.

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

JUDGMENT(ORAL)

% **20.11.2025**

C. HARI SHANKAR, J.

1. We have heard Dr. Surender Singh Hooda, learned Counsel for the petitioner and Mr. Dev Pratap Shahi, learned Counsel for the Respondent 1 to 5, at length.

2. Dr. Hooda has sought to advance various grounds to persuade us to interdict the proceedings presently progressing against his client consequent to an allegation of sexual harassment which has been



levelled by an officer. An Internal Complaints Committee¹ was constituted, which is enquiring into the allegations.

3. Dr. Hooda seeks interdicting of the proceedings being conducted by the ICC apart from other reliefs.

4. The submissions advanced by Mr. Hooda are the following:

(i) The complaint raised by the complainant is barred by time. A specific ground has been taken in this regard by the petitioner before the ICC. This aspect should be decided by the ICC as a preliminary issue. For this purpose, Mr. Hooda has placed reliance on para 15 of judgment dated 12 September 2025 of the Supreme Court in *X v Nirmal Kanti Chakrabarti*².

(ii) The ICC is proceeding on the basis of a charge-sheet which stands quashed by the Court by order dated 17 May 2023. This indicates bias on the part of the members in the ICC.

(iii) The ICC was following a procedure in which groups of witnesses were called upon and allowed to mingle, after which cross-examination took place on later dates, thereby, resulting in the possibility of tutoring. Dr. Hooda has invited our attention in this context to Clause L of SOP 02/2017 dated 12 July 2017, issued by the CRPF, which reads thus:

“L. Examination of Witnesses

¹ “ICC” hereinafter

² 2025 SCC OnLine SC 1964



2025:PHC:10315-08



Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions to the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.

The procedure of Inquiry requires opportunity to the Charged Officer/Defence Assistant to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent, irrelevant or annoying to the witnesses, including the complainant.

If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No inquiry should be conducted at the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.”

(iv) On one date of the proceedings i.e. 6 May 2025, the constitution of the ICC was without jurisdiction as two of the members, who were no longer part of the ICC, had participated in the proceedings. However, Mr. Hooda acknowledges the fact that, thereafter, the duly constituted ICC is proceeding in the matter.



(v) The Presenting Officer happens to be the spouse of one of the witnesses whose evidence is being cited to support the allegations against the petitioner.

(vi) In connection with an FIR lodged by the complainant against a third party, an email was addressed by the accused to the CRPF, making allegations against the said witness.

(vii) The proceedings are held virtually although, as per the applicable guidelines, no case for holding virtual hearings is made out. Holding of virtual hearing exacerbates the possibility of tutoring of witnesses.

5. Having heard Dr. Hooda for the petitioner and Mr. Shahi for the respondents, we are not inclined to accept any of the submissions of Mr. Hooda, except the submission that the Presenting Officer should be changed as she happens to be the spouse of one of the PWs being cited by the department.

6. Mr. Shahi on instructions has stated that their department would take immediate steps to change the Presenting officer.

7. With this assurance, we do not find that any further cause for interference is made out.

8. Dr. Hooda's submission that the plea of limitation has to be decided as a preliminary issue in this case is defeated even by para 15 of the judgment of the Supreme Court in *Nirmal Kanti*



Chakrabarti on which he places reliance.

9. In the said paragraph, the Supreme Court has clearly noted that a plea of limitation is ordinarily a plea of mixed question of law and fact. If, however, in the peculiar facts of the case, the complaint is found to be patently time barred, it is open to the ICC too in such a case, reject the complaint on the ground of limitation. Even in that case, there is no direction by the Supreme Court that the aspect of limitation should be decided as a preliminary issue. The decision on the question of whether the complaint is patently time barred on the basis of the facts before the ICC, or whether that aspect would require further analysis of facts, is something within the realm of the ICC.

10. In view thereof, we do not find that any case is made out to direct the ICC to decide the aspect of limitation as a preliminary issue.

11. Insofar as the allegation that the charge-sheet stands quashed by order dated 17 May 2023 passed by this Court, on which the ICC is placing reliance, is concerned, Dr. Hooda's contention is that this fact indicates bias on the part of the ICC. We are sanguine that no case of bias can be made out on such an allegation.

12. In case the ICC is relying on material on which it cannot legally rely, that would be a ground for the petitioner to take by way of challenge at the appropriate stage.

13. The submission of Dr. Hooda that, as examination of witnesses takes place on one day and cross-examination thereafter takes place on



another day, there is a possibility of tutoring, is also not a ground on which we are inclined to interdict the proceedings in the ICC.

14. There is no hard and fast rule that cross-examination of all witnesses should take place on the date when the examination takes place. We must keep in mind the fact that we are not dealing with a trial in the criminal case.

15. The proceedings of the ICC are in the nature of disciplinary proceedings as the ICC functions only as an Inquiry Officer as per the law laid down by Supreme Court *Medha Kotwal Lele v Union of India*³. Enquiry proceedings, it is well-settled, are not bound by strict rules of evidence or procedure.

16. Be that as it may, in case there is any material on basis of which the petitioner could allege that the recording of statements by the ICC was in any manner vitiated on facts and or on law, that would again be a ground available to the petitioner in case the ICC's findings are against him.

17. The plea that, on one date of hearing, the ICC was improperly constituted, too, is of no consequence, in view of Dr. Hooda's own acknowledgement that, thereafter, the properly constituted ICC is proceeding with the matter.

18. The submission that one prosecution witness happens to be a tout, as per an email addressed by a person who was accused by the



complainant in another case, is purely speculative. This can hardly constitute a basis for us to interdict the proceedings of the ICC.

19. The submissions that the virtual hearings are being conducted in breach of the applicable guidelines, in that regard is also without substance. We may reproduce, in this context, the guidelines with respect to circumstances in which video conferencing could be resorted to thus:

“WHEN SHOULD VIDEO CONFERENCING BE RESORTED TO?”

As the legality of recording of witnesses through video conferencing stands settled in criminal jurisprudence, there is a need for us to adopt the same and adapt same proceedings thereto. We ought to make use of video conferencing during the conduct of departmental enquiry, court of inquiry etc., under the laid down rules and guidelines on the subject. In particular, under the following circumstances, witnesses/delinquent may be examined through video conferencing:-

- (a) In the pandemic situation when it is necessary to comply with social distancing guidelines.
- (b) Victims of sexual assault/witnesses of tender years.
- (c) Where accused causes disturbance or scares witnesses.
- (d) Witnesses located out of the country.
- (e) Witnesses on OPs/CI/CT duties.
- (f) Witnesses posted at inaccessible areas/terrain.
- (g) Witnesses who are unable to attend due to their illness,
hospitalization, pregnancy, extreme old age, etc.
- (h) Witnesses hesitant to appear due to threat of life, etc
- (i) *Any other condition, besides above, where the Disciplinary Authority/Enquiry Officer deems fit.”*



20. It is clear that from a reading of the aforesaid guidelines that the Disciplinary Authority/Inquiry Officer can exercise subjective discretion as to whether the circumstances of the case justify holding of virtual hearing on video conferencing.

21. Mr. Shahi submits, on instructions, that video conferencing is being resorted to, only in order to expedite the proceedings. He also submits that the guidelines themselves provide for adequate safeguards in this regard, and draws our attention in this context to the following clauses contained in the same guidelines:

“CONTEXT

- In these guidelines, reference to the ‘**main point**’ means the place where the Inquiry Officer is sitting and the ‘**remote point**’ is the place other than main point and it may include places where witnesses/Charged Officer/person to be examined via video conference are located.

- Person to be examined includes a person whose deposition or statement is required to be recorded or in whose presence certain proceedings are to be recorded.

- There shall be ‘**Officer in Charge**’ not below the rank of Assistant Commandant, who will be located at the Remote Point and will be nominated by the H.O.O of that concerned Remote Point to oversee the recording of the statement of any witness or his evidence through Video Conferencing.

- There shall be ‘**Technical Coordinators**’ at all concerned video conferencing locations who will be preferably Signal Staff personnel, having technical knowledge of video conferencing and will provide technical assistance and support. Technical Coordinators, will be nominated by the H.O.O of the concerned point.

- Wherever the Officer in Charge and Technical Coordinator is to be nominated, the Inquiry Officer will make formal request to the H.O.O of the concerned point.

- The Officer in Charge and Technical Coordinator, both of



them will ensure correctness of the link and render a certificate to the effect that computers are in working condition and that video link is duly established. At the Main Point the Inquiry Officer himself will play the role of Officer in Charge also.

- Wherever possible, CoIs/PEs/Departmental Inquiry proceedings by way of video conference shall be conducted as per laid down procedure and the same courtesies and protocols will be observed. All relevant statutory provisions, rules and guidelines applicable to CoI/PE/departmental enquiry including the provisions of the Information Technology Act, 2000 shall apply to the recording of statement of witnesses/evidence by video conference.

APPEARANCE BY VIDEO CONFERENCE

- The Inquiry Officer will direct by reasoned order that the persons connected with the inquiry i.e. Charged Officer, Presenting Officer, Defense Assistant, Witnesses or any other person, as the case may be, shall appear before it or give evidence or make a submission to the Inquiry Officer through video conference.

- Whenever, in the course of a inquiry, it appears to the Inquiry Officer that the examination of a witness/Charged Officer is necessary for the ends of justice, and that the attendance of such witness/Charged Officer cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such Inquiry Officer may direct the concerned witness/Charged Officer to participate in the inquiry proceedings through Video Conferencing from the nearby CRPF Unit/establishment.

PERSONS UNCONNECTED WITH THE INQUIRY

No unauthorized person shall be allowed to be present in the video conference room when the Inquiry is in progress. Where, for any reason, a person unconnected with the Inquiry is present in the video conference room, then that person shall be identified by the IO/ Officer in Charge of the concerned point at the start of the proceedings and the purpose for his being present will be explained.”

22. Clearly, therefore, the Guidelines contain sufficient safeguards to ensure that video conferencing takes place in an unbiased and fair manner.

23. Dr. Hooda interdicts at this point to submit that his client states

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Signed By: GUNN W.P.(C) 17670/2025
Signing Date: 24.11.2025
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that these guidelines are not being followed.

24. In case the guidelines are not being followed in respect of any mandatory requirement contained therein, such that non-compliance with the said requirement would vitiate the proceedings, that again would be a matter for the petitioner to take up at the appropriate stage, if he so desires. We cannot, at this stage, monitor the manner in which the ICC is proceeding.

25. We may also note Mr. Shahi submission that this is the ninth round of litigation at the instance of the petitioner, though Dr. Hooda refutes the said statement. We are expressing no views thereon.

26. In any event, as held by the Supreme Court in *Medha Kotwal Lele*, the proceedings of the ICC are only in the nature of enquiry proceedings. The findings of the ICC are only in the nature of an Inquiry report. As on date we do not even know, whether those findings would be adverse to the petitioner.

27. Even if they are, the respondents would have to proceed thereafter, by putting the said findings to the petitioner and allowing him to represent thereagainst, whereafter the Disciplinary Authority would take a decision.

28. The pleas that Dr. Hooda seeks to raise before us would all be available to him, to be raised before the Disciplinary Authority at the appropriate stage, if so advised.



29. The Supreme Court has held, times without number, that interlocutory interdiction with disciplinary proceedings should not be allowed, unless the proceedings are *ex facie* without jurisdiction or the allegations against the concerned officer, even if treated as correct, do not make out a case of misconduct.

30. Within these parameters, we are clear that no case for interdicting the proceedings of the ICC are made out.

31. Save and except for binding the respondent to its statement that the Presenting Officer would be changed, as she happens to be the spouse of one of the PWs, we find no merit in this writ petition, which is accordingly dismissed *in limine*.

32. We make it clear that we have not expressed any opinion on the merits of the charges against the petitioner.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 20, 2025/AT