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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9254/2025 & CRL.M.A. 38631/2025**
MANOJ SHARMA & ORS.Petitioners

Through: Ms. Priyanka Deo and Mr. Amit
Kumar, Advocates.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Mr. Digam Singh Dagar, APP for
State.
SI Shankar Singh, P.S. Preet Vihar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.12.2025**

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, seeks quashing of FIR No. 115/2023 dated 5th May, 2023² lodged by Respondent No. 2 for the offences under Sections 354/34 of the Indian Penal Code, 1860³ registered at P.S. Preet Vihar against the Petitioners.

2. The prosecution version, as emerging from the FIR, is that Respondent No. 2 joined Sin Water Technology as an Executive Engineer on 23rd January, 2023. There, she alleged dissatisfaction with service conditions, including leave-related issues and non-payment of salary, and stated that she sent an email to the company on 5th March, 2023 raising her

¹ "BNSS"

² "impugned FIR"

³ "IPC"



grievances. It is alleged that on the day of the incident, when she sought to leave early on account of an examination scheduled for 6th May, 2023, she went to speak to the management. She alleges that one of the directors stopped her on the pretext of a discussion, took her to a cabin, and an argument followed on her complaint of workplace harassment. During this exchange, she alleged that Manoj Sharma (Petitioner No. 1) held her from behind and groped and touched her private parts. The other co-accused Riyaz and Pradeep (Petitioners No. 2 and 3 respectively) joined in this assault. She states that she raised an alarm, whereafter she was released, following which she left the premises and approached the police, resulting in the registration of the impugned FIR. Consequently, after competition of investigation chargesheet was filed against the Petitioners under Sections 354/34 IPC.

3. Ms. Priyanka Deo, counsel for the Petitioners, submits that the proceedings are an abuse of process, the complaint being rooted in an employment dispute rather than any criminal act. Respondent No. 2 was aggrieved by service-related issues, including leave and alleged non-payment of salary, which she had raised through emails even prior to the alleged incident. The impugned FIR is a retaliatory escalation of that dispute, intended to pressurise the management. The prosecution case lacks objective support, as the alleged incident is stated to have occurred within the office premises, yet no CCTV footage has been produced.

4. Ms. Deo further submits that the investigation has yielded no independent witness from the office, despite the complainant's claim that she raised an alarm. This omission goes to the plausibility of the allegation itself. The complainant's refusal to undergo medical examination is also



highlighted as a relevant circumstance, given the nature of the accusation. The charge-sheet rests almost entirely on the complainant's version, with no contemporaneous medical evidence or material indicating culpable intent on the part of the Petitioners, whose implication is omnibus. Even if the allegations are taken at face value, it is urged that the case warrants exercise of this Court's inherent jurisdiction to prevent misuse of the criminal process.

5. The Court has considered the aforementioned facts and submissions. The petition invokes the inherent jurisdiction to quash criminal proceedings. That power exists to prevent abuse of process and to secure the ends of justice, but it is to be exercised sparingly. Where the allegations, read as a whole, disclose the ingredients of an offence and the prosecution proposes to lead evidence, the High Court does not enter upon an assessment of credibility or weigh the defence version. The Court, at this stage, is not to assess the sufficiency or reliability of the evidence, nor conduct a minitrial, but only ascertain whether the allegations, as stated, *prima facie* attract the ingredients of the alleged offences.⁴

6. The investigation stands concluded, a charge-sheet has been filed, and the competent Court has already taken cognizance and summoned the Petitioners. Once the matter has crossed that threshold, quashing is justified only where the case is demonstrably frivolous, inherently improbable on the face of the record. Short-circuiting a prosecution after cognizance demands a clear case on the face of the complaint and the final report. That standard is not met here.

⁴ *Kaptan Singh vs State of Uttar Pradesh and Ors.* (2021) 9 SCC 35; *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra* (2021) 19 SCC 401.



7. As per the complainant's version, the incident occurred within the office premises when she went to speak to the directors/manager about workplace grievances. She alleges that she was taken to a cabin and, during the ensuing exchange, one accused held her from behind and touched her inappropriately, and the others joined in. The complainant asserts that she raised alarm and the accused desisted only thereafter. These allegations, taken at face value, plainly disclose the ingredients of an offence under Section 354 IPC and the allegation of common intention is also a matter for evidence. The complainant has reiterated the core accusation in her statement under Section 164 CrPC, which forms part of the material collected. At this stage, the Court cannot decide whether her version is true, or whether it is a false implication because of an underlying employment dispute. Those are matters for trial.

8. The Petitioners' emphasis on the background of service-related disagreements, the absence of CCTV footage, the lack of "independent" co-worker testimony, and the complainant's refusal for medical examination does not justify quashing at the threshold. Motive, false implication, and workplace acrimony are defence narrative which may be established in cross-examination or through Defence evidence, but they do not render the prosecution inherently absurd at inception. Equally, absence of CCTV footage is not decisive where the incident is alleged to have occurred in a cabin, and reluctance of colleagues to come forward, even if assumed, is not a ground to terminate proceedings in advance. As regards medical examination, in allegations of molestation, medical evidence is corroborative at best and its absence is not, by itself, destructive of the prosecution case. The worth of the complainant's account and the effect of



omissions or gaps in corroboration must be tested in the evidentiary arena, not in proceedings for quashing.

9. In these circumstances, the Court finds no ground to hold that continuance of the proceedings would amount to an abuse of process. The petition is accordingly dismissed, along with the pending application(s), if any.

10. It is clarified that the observations herein are confined to the disposal of the quashing petition and shall not influence the Trial Court on merits.

SANJEEV NARULA, J

DECEMBER 24, 2025

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