



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % **Reserved on: 26th November, 2025**
Pronounced on: 24th December, 2025
 + **CRL.M.C. 5608/2018, CRL.M.A. 35633/2018**

SHRI I. S. JUNEJA

S/o Late Shri Joginder Singh Juneja

Resident of:

C-509, Prabha Apartment, Plot No.11,

Sector-23, Dwarka, New Delhi-75

.....Petitioner

Through: Mr.Vishwa Bhushan Arya, Adv.

versus

STATE

.....Respondent

Through: Mr. Shoaib Haider, APP with Insp. Manju
Chaharand, SI Reema.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Criminal Procedure Code, 1973 (*hereinafter referred to as 'Cr.P.C.'*), for quashing of **FIR No. 253/ 2013** at P.S. Dwarka North, Delhi *registered under Section 509/34 Indian Penal Code, 1860* (*hereinafter referred to as 'IPC'*) and the setting aside of Order dated 26.09.2018 passed by Spl.Judge, Delhi upholding the Order dated 04.08.2018 of framing charges under Section 509IPC by Ld. MM.

2. ***Briefly stated***, two Complaints of *harassment/ sexual harassment at workplace* were made by the Complainant Ms. Nikita Awasthi, the then Examiner of Trade Marks and GI, *vide* email dated 27.07.2012 without blaming anyone in



particular, to the Petitioner I S Juneja, who was the then head of Delhi Registry. The Petitioner forwarded the said email Complaints on 28.07.2012 as per the Rules, to the Controller General of Patents, Designs and Trade Marks at Mumbai (*'Controller General'*), for necessary action.

3. Thereafter, on 16.08.2012, a written Complaint was made to the Controller General against the *Petitioner I.S. Juneja, Mr. Jai Prakash and Mr. YK Bali*, for sexual harassment at workplace.

4. On the same day, the Sexual Harassment Committee consisting of six members, headed by a Chairperson, was reconstituted in view of the guidelines laid down by the Hon'ble Apex Court in the case of *Vishaka vs. State of Rajasthan & Ors.* JT 1997 (7) SC 384, for composition of such Committee. The Complaints were forwarded to the Chairperson and the inquiry was initiated by the Sexual Harassment Committee.

5. The Committee issued Notices to all the three named persons, including the Petitioner. The Committee, after considering the detailed reply, evidence led by the Parties, exonerated all the three accused persons, *vide* Report dated 01.07.2013. The Report was submitted by the Committee to the Controller General, and a copy was served on 31.07.2013 through email, on the Complainant and the Petitioner.

6. The Petitioner submits that the Complainant never challenged the Report and it attained finality in respect of the Complaints dated 27.07.2012 and 16.08.2012.

7. Meanwhile, *the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred as Sexual harassment Act)* came into force w.e.f. 09.12.2013 to provide protection against sexual



harassment of women at workplace and for the prevention and redressal of Complaints of sexual harassment and for matters connected therein or incidental thereto.

8. However, on 03.08.2013, a fresh Complaint was lodged by the Complainant with P.S. Dwarka North, Delhi containing the same allegations, as in the Complaint dated 16.08.2012 against the three persons, i.e. Petitioner I.S. Juneja, Mr. Jai Prakash and Mr. YK Bali, and additionally one Mr. Ravinder Rajput. The **FIR No.253/2013** under **Section 509/34 IPC** was registered on 03.08.2013 at P.S. Dwarka North, District South West, Delhi.

9. It is submitted that during the investigations, the Investigating Officer obtained the copy of the Report dated 01.07.2013 and filed the Chargesheet No. 1 of 2014, against all the three accused persons who were earlier before the Committee, with the offences punishable under Section 509/34 IPC and the additionally, accused Mr. Ravinder Rajput under Section 354D/506/34 IPC. Further, in the Chargesheet heavy reliance has been placed on the Report of the Committee including the replies, rejoinder and evidence recorded therein, which was made a part of the Chargesheet.

10. It is submitted that although *the Chargesheet qua the Petitioner, was for the offence under section 509/34 IPC, but the learner trial court took cognizance of the offences under section 354D/506/509/34 IPC against all the four accused persons, including the Petitioner.*

11. The said Order dated 04.08.2018 was challenged before the learned Sessions Court, Special Judge (PC Act) (CBI), New Delhi in *Criminal Revision 56/2018* on various grounds, including that the cognizance itself *was barred by Limitation*



under Section 468 Cr.P.C. However, *the learned Special Judge (PC Act) dismissed the Revision Petition vide Order dated 26.09.2018.*

12. The Petitioner has sought the setting aside of the impugned Orders as well as for the quashing of FIR No. 253/2013. The ***first ground of challenge is that the Order of cognizance in so much as it was taken under Sections 354D/506/509/34 IPC for all the Respondents, was bad in law.*** The cognizance of offences was erroneously taken against all the accused persons including the Petitioner by the Ld.MM, in as much as the Chargesheet was filed only under Section 509/34 IPC against the Petitioner, Mr. Jai Prakash and Mr. YK Bali, while the Chargesheet against the *fourth accused, i.e. Mr. Ravinder Rajput was filed under Sections 354D/506/34 IPC, on the basis of allegations of 18.06.2013* against him alone and not against the other accused persons. There was no occasion for the learned Trial Court to take cognizance of offences under Section 354D/506/34 IPC against all the accused persons without there being any material for cognizance of such offences against the Petitioner.

13. ***The second ground of challenge is that the Charge Sheet vis-à-vis the Petitioner, was barred by limitation.*** It is asserted that the FIR No. 253/2013 which was registered on the basis of Complaint dated 03.08.2013 for the alleged acts committed in 2011 by the Petitioner, was only for the offence under Section 509/34 IPC. The maximum punishment for the offence under Section 509 IPC, is *one year. The limitation for taking cognizance of the offence in terms of Sections 468 and 469(1)(a) Cr.P.C., was one year from the date of commission of the alleged offence.* However, in the present case, cognizance was taken on 25.03.2015 and was thus, was **barred by limitation.**



14. The observations made in the Impugned Order dated 26.09.2018 regarding the period of limitation in relation to offences which may be tried together, would not apply to the Petitioner as he was Charge-sheeted only for Section 509 IPC and for the other offence under Section 354D IPC and the period of punishment of three years as observed in the impugned Order, would not apply to him.

15. The learned Court had placed reliance on the judgment of the Supreme Court of India in State of Himachal Pradesh vs. Tara Dutt and Another, AIR 2000 SC 297 and had observed that limitation provided for taking cognizance is in respect of offence charged and not in respect of offence finally proved. However, the fact that in the present case, the Petitioner has been charged for offence under Section 509 IPC and not under Section 354D IPC, was completely ignored. Thus, the Order of Cognizance is not sustainable on the ground of Limitation.

16. The **third ground of challenge** is that the allegations against him, do not constitute any offence. As per Section 212 Cr.P.C., the Complainant has to provide the particulars as to the time and place of the offence, but the entire complaint does not disclose such particulars. *Vide* Order dated 04.08.2018, learned Metropolitan Magistrate directed *framing of charge under Section 509 IPC only qua the Petitioner* and discharged the remaining three accused persons, i.e., Jai Prakash, YK Bali and Ravinder Rajput; the benefit of the said omission to the other co-accused persons but not to the Petitioner by the learned Trial Court in Order dated 04.08.2018.

17. The **fourth ground** is that having been exonerated in the Departmental Proceedings, he cannot be again tried for the same offence. *Report of the Committee had exonerated the Petitioner of the allegations* made by the



Complainant in her Complaints dated 27.07.2012 and 16.08.2012.

18. The Report of the Committee had attained finality since it was not challenged by the Complainant. The allegations in the Complaint dated 03.08.2013 were exactly the same *qua* the Petitioner as were in the Complaint dated 16.08.2012, which the Committee had inquired into. Thus, the Report would operate as *res judicata*.

19. The learned magistrate did not consider the Report of the Committee, whereby the Petitioner was also exonerated. It is settled law that if the departmental proceedings end in a finding in favour of the accused in respect of allegations which form basis for criminal proceedings, then departmental adjudication will remove the very basis of criminal proceedings and in such situation, continuance of criminal proceedings will be a futile exercise and an abuse of the process of Court. Ld. Magistrate has not considered the law laid down by the Hon'ble Apex Court in P.S. Rajya vs. State of Bihar, JT 1996 (6), 480 as well as the ground of equity guaranteed under Article 14 of the Constitution of India.

20. Reliance was placed on Budhan Singh & Ors. vs. State, 2008 (2) JCC 1017 and Surkhi Lal vs. Union of India, 2005 (3) JCC 1788, wherein it has been observed that where the statements made by the persons about the incident at an earlier point of time did not reveal the involvement of the Petitioner, the FIR lodged later in time, was held to be motivated and was thus, held liable to be quashed.

21. The Petitioner has also contended that in terms of Section 11(1) of the Sexual Harassment Act, 2013, the Committee, who proceeds to make an inquiry



into the Complaint, shall, if *prima facie* case exists, forward the Complaint to the police, within a period of seven days for registering the case under Section 509 IPC. The learned Trial Court as well as the learned Special Judge, have failed to note the provision of Section 11(1) of the Sexual Harassment Act, 2013.

22. In terms of Section 11 of the Sexual Harassment Act, 2013 the Complainant had no locus to lodge the Complaint dated 03.08.2013 with the Police on the basis of which the FIR has been registered as that was the prerogative of the Committee alone, and that too, if the *prima facie* case existed after the Inquiry.

23. In the impugned Order dated 26.09.2018, the learned Special Judge while dismissing the Revision Petition, has wrongly interpreted the judgment in Janardhan Upadhyay v. The State of Punjab, AIR 2007 PH 86.

24. In the end, it is submitted that the present Petition is maintainable and this Hon'ble Court has the jurisdiction to interfere, as the continuation of the present Charge sheet would amount to an abuse of process of court, as held in the case of Ganesh Narayan Hegde vs. S. Bangarappu & others 1995 (4) SCC 41.

25. Hence, the impugned Orders are liable to be set aside and the FIR No. 253/2013, as well as the proceedings emanating therefrom, are liable to be quashed.

26. A ***Reply has been filed on behalf of Respondent No.2/Complainant*** denying the contentions, averments, submissions and grounds taken in the Petition. It is submitted that the present Petition has been filed by the Petitioner on the same grounds which had been taken before the Revisional Court wherein the Court has meticulously and judicially considered the case of the Petitioner and passed a detailed Order. The Petitioner has failed to make out any case for interference



except raising false and frivolous grounds and the present Petition is nothing but a gross misuse of the process of law.

27. It is submitted that the Respondent No. 2/Complainant had sent several Letters/ Protests to the Committee and the concerned Authorities on various dates, i.e. on 04.09.2012, 23.09.2012, 28.09.2012, 19.10.2012, 28.10.2012 and on other dates, which is evident from the record of the Committee. The Complainant had also sought change of Chairperson on account of likelihood of bias. Further, she had made several protests with regard to the violation of guidelines of Supreme Court laid in the case of Vishaka & Ors. vs. State of Rajasthan, AIR 1997 SC 3011, as it would be evident from the Complaints lodged by the Respondent No.2.

28. It is submitted that Respondent No.2 always protested to the functioning of the Committee and she has filed an *Appeal dated 16.08.2013 and the Committee Report dated 31.07.2013 on 19.01.2016*.

29. The Police had also taken additional material, while filing the Chargesheet. Further, the learned Court has the power to take cognizance on the basis of the materials available before him, and therefore, the Trial Court has rightly taken cognizance under **Sections 354D/506/509/34 IPC**.

30. The Respondent has further submitted that the Petitioner has claimed that she had preferred an Appeal dated 16.08.2013 and 19.01.2016, against the Committee Report, copy of which is annexed with the Reply.

31. Therefore, it is prayed that the Petition be dismissed with exemplary costs.

32. A ***Rejoinder has been filed on behalf of the Petitioner*** wherein it is stated that the learned Trial Courts have exercised jurisdiction illegally and with material irregularity.



33. The Respondent No.2 has not filed the alleged letters and protests which have been alleged to have been written by her. Moreover, they are neither part of the Complaint, nor of FIR and consequent Chargesheet.

34. The Petitioner has submitted that no Appeal has been preferred against the Report of the Committee till date and it has attained finality. It is further submitted that though the Respondent has claimed that she has filed an Appeal, but no particulars have been declared. The Annexure-R1, which is a Letter dated 19.01.2016, claimed to be an Appeal, is addressed to CGPDTM, which by no stretch of imagination, can be termed as an Appeal, before the appropriate forum. Furthermore, in the said Letter, though a reference is made to the Letter dated 16.08.2013 but till date, the same has not been filed.

35. In the Letter dated 19.01.2016/Annexure R1, she has raised the question of a transfer, which statement is not correct. She was transferred to Calcutta in November, 2012 itself and again transferred to Delhi, in the year 2015. She continued her job at Delhi till the completion of enquiry. She got posted at Mumbai Office not because of the transfer, but because of her selection through UPSC on 31.12.2012 and she got transferred back to Delhi within four days on 04.01.2013.

36. It is denied that the Order of the Revisional Court was passed after meticulous and judicious consideration of all the facts. It is reiterated that the cognizance taken on 25.03.2015 was barred by limitation, in terms of Section 468 and 468 (1)(a) Cr.P.C. There is no explanation as to how the cognizance can be said to be within time.

37. It is further asserted that the Charge-Sheet against the Petitioner, was only under Section 509/34 IPC, though cognizance has been taken for other offences



under Section 354D/506/34 IPC even though the Petitioner had not been charged with these offences. It is reaffirmed that the Order of cognizance dated 25.03.2015, is bad in law.

Submissions heard and record perused.

38. The Complainant herein had joined the Office of Controller General of Patents, Designs and Trade Marks as Examiner of Trade Marks and GI on Contract in 2008 and she became a regular employee in the year 2011. The Petitioner I.S. Juneja was also working in the same Department as a regular employee.

39. As per the allegations made in the FIR, she started facing sexual harassment since 2008 when she had joined as a Contract employee. She claimed that the overall atmosphere in the Office was not good for the ladies and they were unable to raise any voice because they were Contract employees and feared the loss of their job. Further allegation was made that when she returned from her vacation in June, 2011, some obscene pictures were posted on her Computer system about which she made a Complaint to the Petitioner, who was Head of Office. She asserted that on the Complaint of this incident, Petitioner IS Juneja along with Y.K. Bali and Jai Prakash, came and opened the screen displaying the pictures and started laughing.

40. Further, she had to frequently go to the office of the Petitioner/HO, when he would start *scratching his private parts and laugh*. Aside from this, whenever the Petitioner, Y.K. Bali and Jai Prakash came for a round in the office, they would stand outside her cabin which had a glass door and peep inside, stare at her and thereafter laugh.

41. On 18.11.2011, someone made a false transfer request on her behalf, to



Controller General about which she made a Complaint to Controller General and sought an Enquiry, but no action was taken.

42. Thereafter, she made a Complaint of *Sexual Harassment* in her Office, on 27.07.2012. She further stated that she was not the only person who suffered sexual harassment in the Office, but Vijayshree, the Examiner also faced the harassment and she had made a Complaint against Mr. Bali in 2011, after which Mr. Bali had apologized to her.

43. Aside from this, in August-September, 2012 through RTI, her personal and professional information was sought by one **Mr. Dam Bahadur** through RTI and had raised obscene questions about her.

44. Thereafter, in December, 2012 she got her promotion as Sr. Examiner of Trade Marks and GI through UPSC and she joined Mumbai Office. She further stated that in May, 2013, one **Ravinder Rajput** had threatened her and told her that the three named persons in her Sexual Harassment Complaint, are soon going to get a clean chit and thereafter, she would suffer adverse consequences. Thereafter, Ravinder Rajput came outside her cabin on 18.06.2013 and kept staring and laughing to her, through the glass door.

45. The allegations made in the Complaint dated 16.08.2012 being subjected to obscene gestures and staring and laughter, were also the allegations made by her in her Sexual Harassment Complaint, which resulted in FIR No.253/ 2013. The Charge Sheet has been filed on 09.02.2015 and cognizance taken on 09.02.2015.

I. Whether The Charge Sheet is barred by Limitation:

46. The first contention raised by the Petitioner is that the FIR is barred by **limitation**.



47. It is also contended that since the Charge-Sheet against him, was only under Section 509/34 IPC. The limitation would be of one year in terms of Section 468 Cr.P.C. and the Complaint was patently barred by limitation.

48. The Petitioner asserts that on the Complaint dated 03.08.2013, the Charge sheet against him was under *Section 509/34 IPC* on 09.02.2015 and cognizance taken on 09.02.2015. The Chargesheet under the same provision i.e. *Section 509/34 IPC*, was filed against the Petitioner and the co-accused Y.K. Bali and Jai Prakash, while it was filed under Section 354D/506/509/34 IPC against the fourth accused, namely Ravinder Rajput. However, the cognizance was taken against all the four accused persons including the Petitioner, under Section 354D/506/509/34 IPC, on 25.03.2015.

49. It is contended that the alleged incident was of June 2011 for which Complaint was made on 03.08.2013. Therefore, the Charge Sheet which was filed on 09.02.2015, was beyond the period of one year and the Charge Sheet was barred by Limitation, in terms of S.468 IPC.

50. Section 468 Cr.P.C. provides:

“468. Bar to taking cognizance after lapse of the period of limitation.—

(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;



(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

51. In terms of Section 468(1)Cr.P.C., the period of limitation is one year, if the offence is punishable with imprisonment for a term not exceeding one year.

52. However, as per Section 468(3) Cr.P.C., the period of limitation in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment, which in the present matter, was considered to be under *Section 354D IPC, i.e., three years.*

53. In the present Case, the Charge-Sheet had also been filed under Section 354D IPC against Ravinder Rajput. What is significant for the purpose of calculating the limitation is not the offences under which the FIR is registered, but the offences under which the Charge-Sheet is filed. There may have been a different offences found to have been committed against the four Accused, but it cannot be overlooked that the cognizance was taken on the Charge-Sheet, which also had an offence under Section 354D IPC.

54. In the case of State of H.P. vs. Tara Dutt, (2000) 1 SCC 230 the Apex Court



had observed that the language of Section 468(3) CrPC makes it imperative that the limitation provided for taking cognizance in Section 468, is in respect of the offence charged and not in respect of offence finally proved.

55. The limitation, has to be calculated from the date of FIR, which is 03.08.2013 and the Charge-Sheet has been filed on 25.03.2015 i.e. within a period of three years, in terms of Section 468 Cr.P.C. Therefore, it cannot be said that the Charge-Sheet was filed beyond the period of limitation. This argument of the Petitioner is, therefore, not tenable.

II. Whether the Charge Sheet discloses the Offence under S.509 CrPC:

56. The second aspect for consideration is whether the Complaint discloses the offence of Section 509 IPC.

57. The allegations made against the Petitioner in the Complaint, is that she while working in the Office at times used to go to the Office of the Petitioner, who was the HO and he used to scratch his private parts and also laughed at her. Aside from this, he along with co-accused, Y.K. Bali and Jai Prakash, used to stand outside the glass door of her cabin, peeped inside and stare at her and thereafter, laughed.

58. First pertinent aspect is that the allegations of laughing and peeping, through the glass store, had been also made against Y.K. Bali and Jai Prakash but the learned Metropolitan Magistrate *vide* the Impugned Order dated 25.03.2015, had observed that these alleged acts made against the two, were not supported by any cogent evidence and *per se* did not constitute an offence under Section 509 IPC.

59. By the same logic, this allegation of peeping through the door and laughing, does not fulfil the ingredients of the offence under Section 509 IPC, even against



the Petitioner.

60. Insofar as, the scratching the private parts by the Petitioner whenever the Complainant went to his Office being her HO, is concerned, it may be an inappropriate gesture against the social etiquettes which is not appreciated especially when a lady is present, but there is nothing to suggest that it was done with any sexual intent or in order to offend the Complainant. He may have had this habit of scratching himself but it was not an act, which was pointed towards the Complainant even as per her own Complaint. Therefore, such act does not qualify as an obscene act punishable under Section 509 IPC. In fact, the entire Complaint if read comprehensively, does not disclose an offence of 509 IPC, against the Petitioner.

III. Whether the findings In the Committee Report had Relevance to the allegations Made in the Charge Sheet:

61. In this context, it is pertinent to note that the Complainant had made the Complaints against the Petitioner and the matter was considered in depth by the Sexual Harassment Committee.

62. The Complainant had asserted in her Reply that she had challenged the findings of the Sexual Harassment Committee by way of an Appeal, copy of which was annexed with the Reply as Annexure R-1. The perusal of the Letter dated 19.01.2016, shows that it was only an Application addressed to CGPDTM, Baudhik Sampada Bhawan, SM Road, Antop Hill, Mumbai-400037 wherein the major grievance was in respect of her transfer to Mumbai during the pendency of the Enquiry by the Sexual Harassment Committee while the persons against whom the Complaint was made, were allowed to continue at the Delhi Office. Though she



has termed it to be an Appeal, but it is clearly evident from the Letter that no Appeal *per se*, has been filed by the Complainant, before the Competent Judicial Forum. Such Letter cannot be termed as an Appeal, in accordance with law. Therefore, it has to be necessarily held that the findings of the Departmental Enquiry, have attained finality.

63. The allegations made in the Complaint, may be considered. The allegations made in the Complaint before the Committee were:

- (i) *The harassment started from the very beginning as overall atmosphere in the office is not good;*
- (ii) *The system of the Complainant was tampered, as obscene pictures got exhibited when she opened the Computer after returning from leave in June, 2011;*
- (iii) *Since August, 2011 whenever she went to the office of Sh. Juneja for any official work, he used to start scratching his private parts with dirty smile;*
- (iv) *The Petitioner went to the room of Complainant with Jai Prakash and Mr. Bali and peeps into her room from outside, gave smile and stared at her and unnecessarily interfered with her work; and*
- (v) *All supporting staff and casual people harassed her with the support of the three named Respondents.*

64. The evidence of the relevant witnesses were examined and thereafter, a finding was given on each of these allegations. In so far as *the allegation No.1* of the atmosphere in the office not being good, it was found that it was a generic



Complaint where the atmosphere in the Office was claimed to be not good from 2008 to 20.04.2011. However, there were three HODs at that time and none had been named in the Complaint. The allegations were found to be vague and general from which nothing could be derived.

65. In regard to *second allegation* of the tampering of her Computer and obscene pictures being available when she came back from leave in June, 2011 it was found that this episode happened when Respondent No.1 was Head of Office. When this incident of obscene vulgar pictures on the Computer was brought to his notice by the employees and also by the Complainant through her email dated 28.06.2011, the staff providing Hardware Maintenance Services and NIC officials were called without delay for remedial steps.

66. It was found that there was no connection of the named persons with the same. As soon as this incident came to the knowledge of HO, NIC officials were called who visited her Section and searched all PCs working in his Section. To corroborate this, Mr. Anil Kumar Awasthi, Principal Analyst NIC, Sh. Sachin Casual Employee, Hardware Maintenance and Umesh, Casual Employee, Hardware Maintenance were examined, who explained that at that time, there was free access to the internet and the machines were never cleaned or secured. The porn pictures had come on many systems including that of the Complainant, but she was not present in the Office on that day. There was no evidence to prove that the alleged incident of posting the pictures on the Computers, was attributable to Mr. Juneja or others working in the Office.

67. The **third allegation** made was that the Petitioner Mr. Juneja used to scratch his private parts with dirty smile. The statement of the Complainant and other



witnesses were recorded and it was found that the Complainant had alleged that very frequently she used to visit the Office of the Petitioner when he used to do this act. However, it was found that most of the work was being done through Computers and there was rarely any occasion for the Complainant to visit the office of the Petitioner. It was also found that similar allegations had been made by Ms. Vijayshree, another woman employee, and it was found that the allegation had no basis.

68. It was also found that directions were being given to the Complainant and others in the Department, to achieve high targets but that was in discharge of the official duty; and such targets being given to the Complainant could not be termed as sexual harassment. It was thus, concluded that no event of sexual harassment had been substantiated during the evidence recorded in the Enquiry in the Sexual Harassment Complaint.

69. Therefore, each of the allegations were considered in depth in the Report dated 01.07.2013 of Sexual Harassment Committee and all the persons against whom the allegations of sexual harassment were made, were exonerated.

70. Pertinently, the perusal of the Report dated 01.07.2013 shows that directions were given to ensure that the Complainant and the persons against whom the Complaint had been made, may not be posted for the defined period of time in the same office. Pertinently, the Complainant has filed no Appeal to challenge the Sexual Harassment Committee Report, except one Letter dated 19.01.2016 to the CGPDTM, which cannot be termed as an Appeal.

71. The contents of the FIR and the averments made in the Sexual Harassment Complaint, are identical. A critical question that thus, arises is ***whether the***



criminal prosecution can continue when the departmental proceedings, which require a lower standard of proof, have found no merit in the allegations.

72. The Petitioner has relied upon Ajit Kumar Nag vs. G.M.(P.J.) Indian Oil Corporation (2005) 7 SCC 764 wherein it was observed that the two proceedings, criminal and departmental, are entirely different. Acquittal of the appellant by a Judicial Magistrate, therefore, does not *ipso facto* absolve him from the liability under the disciplinary jurisdiction of the Corporation.

73. Likewise in the case of State of Rajasthan v. B.K. Meena, (1996) 6 SCC 417, the distinction between the disciplinary/departmental proceedings and criminal proceedings in terms of approach and objective of the both was identified by the Apex Court. It was observed *that the standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are entirely distinct and different. Staying of disciplinary proceedings pending criminal proceedings, to repeat, should not be a matter of course but a considered decision.*

74. These two judgements deal with the impact of criminal trial on the Disciplinary action. They are distinguishable as neither deal with the relevance of the findings in the concluded Departmental Enquiry upon the FIR on the same facts.

75. On the other hand, it has been consistently held that concluded findings of the Disciplinary Inquiry are binding on the criminal trial.

76. In this regard, reference be made to the case of Videocon Industries Limited vs. State of Maharashtra, 2016 (12) SCC 315 wherein the Apex Court while considering the evidentiary value of the enquiry proceedings in a trial against the Petitioner on identical allegations, the following principles were culled out from



the discussions and the Judgments referred therein.

“18. The majority has put it thus:

“The ration which can be culled out from these decisions can broadly be stated as follows:

- (i) Adjudication proceedings and criminal prosecution can be launched simultaneously;*
- (ii) Decision in adjudication proceeding is not necessary before initiating criminal prosecution;*
- (iii) Adjudication proceedings and criminal proceedings are independent in nature to each other;*
- (iv) The finding against the person facing prosecution in the adjudication proceedings is not binding on the proceeding for criminal prosecution;*
- (v) Adjudication proceedings by the Enforcement Directorate is not prosecution by a competent court of law to attract the provisions of Article 20(2) of the Constitution of section 300 of the Code of Criminal Procedure;*
- (vi) The finding in the adjudication proceedings in favour of the person facing trial for identical violation will depend upon the nature of finding. If the exoneration in adjudication proceedings is on technical ground and not on merit, prosecution may continue; and*
- (vii) In case of exoneration, however, on merits where the allegation is found to be not substantiate at all and the person held innocent, criminal prosecution on the same set of facts and circumstances cannot be allowed to*



continue, the underlying principle being the higher standard of proof in criminal cases.”

77. It was further clarified that the yardstick would be to judge whether the allegation in the adjudication proceedings as well as the proceeding for prosecution, is identical and the exoneration of the person concerned in the adjudication proceedings is on merits. In case it is found on merit that there was no contravention of the provision of the Act in the adjudication proceedings, the trial of such a person would be an *abuse of the process of the Court*.

78. Similar observations were made by the Apex Court in the Case of P S Rajya vs. State of Bihar, (1996) 9 SCC 1 wherein it was noted that where Charges were identical in the Departmental Proceedings conducted by CVC and in the criminal prosecution, continuation of the criminal prosecution would be an abuse of process of law and that the High Court must exercise its powers under Section 482 Cr.PC to quash the criminal prosecution. It was also observed that the standard of proof required to establish the guilt is far higher in criminal prosecution as compared to the Departmental proceedings.

79. Likewise, in the Case of Radheshyam Kejriwal vs. State of West Bengal & Anr., (2011) 3 SCC 581, it was observed similarly that the standard of proof in criminal cases much higher than in the adjudication proceedings. The determination of facts and adjudication proceedings, cannot be said to be irrelevant in the criminal cases.

80. Similar observations have been made by the Apex Court in the Cases of Lokesh Kumar Jain vs. State of Rajasthan, (2013) 11 SCC 130 and Ashoo



Surendranath Tewari vs. Deputy Superintendent of Police, EOW, CBI and Anr., (2020) 9 SCC 636 in which a consistent view has been taken that the standard of proof in criminal cases is ‘*beyond reasonable doubt*’, which is far higher than ‘*preponderance of availability*’ required to prove the allegations in disciplinary proceedings if the lower threshold could not be met in the disciplinary proceedings, no purpose would be served in prosecuting the criminal proceedings where the standard of proof is much higher.

81. The Co-ordinate Bench of this Court in the case of Ajit Kumar vs. State of NCT of Delhi and Anr., CrI. M.C. 2184/2021, decided on 05.12.2024 also referred to the aforesaid Judgments and concluded that exoneration in Disciplinary proceedings on identical facts, merits the quashing of the criminal prosecution arising from the identical facts.

82. Furthermore, in the case of Rajiv Ranjan Singh vs. Securities & Exchange Board of India, Criminal Revision Application No. 370 of 2024, decided on 11.09.2025, the Bombay High Court relied on the case of Radheshyam Kejriwal, (supra) and observed as under:-

“ 19. The same issue came up again before a three-Judge Bench in Radheshyam Kejriwal (Supra). The majority held that adjudication proceedings and criminal prosecution are independent of each other. A finding in adjudication does not bind the criminal court. However, the Court drew an important distinction. Where a person is exonerated in adjudication on technical grounds, or because no penalty was imposed, criminal prosecution can continue. **But, if in adjudication proceedings a clear finding is recorded that the allegations were wholly unsustainable and the person is innocent, then criminal prosecution on the same set of facts cannot be allowed to continue.**



20. *It is thus clear that exoneration in departmental or regulatory proceedings will bind criminal prosecution only in very limited situations. **Three conditions must be satisfied.** First, the adjudicating authority must have examined all the facts and evidence in detail and given a clear finding. An order passed only on technicalities like limitation or jurisdiction cannot bar prosecution. **Second**, there must be a clear conclusion that the allegations were wholly baseless or not proved at all. **Third**, the order must contain a clean declaration of innocence, holding the person not guilty of the misconduct. A mere absence of penalty or grant of benefit of doubt does not amount to exoneration on merits.”*

83. From the aforesaid judgements and also the appreciation of the allegations in the light of Committee Report, it emerges that no offence under Section 509 IPC is made out against the Petitioner.

IV. Whether The Chargesheet is Liable to be Quashed:

84. The other aspect which is pertinent to note is that there was specific allegation made against the Petitioner from the period of June, 2011 till 27.07.2012. Interestingly, while she made a Complaint before the Sexual Harassment Committee, she failed to file any Complaint with the Police for registration of FIR. Merely because a Complaint has been filed under POSH Act, does not create a bar from simultaneously approaching the State Machinery for registration of FIR.

85. Furthermore, the Petitioner has contended that in terms of Section 11(1) of the PoSH Act, 2013, the Committee, shall, if *prima facie* case exists, forward the Complaint to the police, within a period of seven days for registering the case. However, the Committee concluded the trial and gave its Report on dated



01.07.2013. The PoSH Act became effective w.e.f. 09.12.2013, i.e. after the Report was given. Therefore, there was no occasion for the Committee to have referred the Complaint to the Police, when it was filed in 2012.

86. Further, it is pertinent to note that after the Sexual Harassment Complaint was dismissed by the Committee on 01.07.2013. Immediately thereafter, the present FIR was registered on 03.08.2013. It is blatantly evident that FIR was merely a reaction to the dismissal of the Sexual Harassment Complaint.

87. The entire sequence of events reflects that the FIR got registered merely as a counter to the dismissal of the Sexual Harassment Complaint. Furthermore, all the allegations have been duly considered after recording of evidence and were found to be without merit in the Final Report of Sexual Harassment Committee.

88. It is clearly a case of abuse of the law and it is in the interest of justice if the FIR is quashed, as held in the case of *State of Haryana vs. Bhajan Lal*, (1992 Supp (1) SCC 335).

Conclusion:

89. In the light of the above discussion, the Petition is allowed and the Chargesheet along with all the proceedings therefrom, is quashed.

90. The pending Applications are also disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

DECEMBER 24, 2025/R