



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

% ***Reserved on: 16th February, 2026***

Pronounced on: 11th May, 2026

+ **CRL.M.C. 5429/2017**

APARNA BHATTACHARYA

S/o Sh. Bashersar Dayal,
R/o H.No.D-4/47, Sector 15,
Rohini, New Delhi.

.....Petitioner

Through: Mr. Yash Anand and Ms.
Ayushi Mishra, Advocates.

Versus

1. NCT OF DELHI

SHO, PS Barakhamba, New Delhi.

2. MR. AVINASH KUMAR DUBEY

Manager (Movement),
Regional Office, Vidhan Sabha Marg,
Kapa, PO Pandri, Raipur, Chattishgarh.

3. SHRADDHA SHARMA

DGM (IR-S),
FCI Headquarters Barakhamba, New Delhi.

4. RANJEET KR. JEENAGAR

AGM (IR-S),
FCI, Headquarters Barakhamba, New Delhi.....Respondents

Through: Mr. Anil K. Singh and Mr.
B.K.Poddar, Advocates for R-2.
Mr. Rishi Kumar Awasthi and Mr.
Amit V. Awasthi, Advocates for R-3
& R-4.

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HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Article 227 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed by the *Petitioner/ Ms. Aparna Bhattacharya* seeking quashing of the Order dated 09.10.2017, whereby the learned ASJ, has upheld the Order dated 20.12.2016 of the learned MM, dismissing the Application filed by the Petitioner, under Section 156(3) Cr.P.C.
2. The **Petitioner** had filed a Criminal Complaint *bearing CC No. 1589/1/2016* under Section 200 Cr.P.C. along with an Application under Section 156(3) Cr.P.C.
3. The **brief facts** as narrated in the Complaint, were that the Petitioner was working as a Personal Assistant to Deputy General Manager (I), Food Corporation of India ("*FCI*"), Regional Office Raipur, Chhattisgarh, since July 2013. She had been performing her duties with utmost dedication as well as sincerity and her integrity was well-known within the Department. There was good co-ordination amongst the Staff and the Seniors in the Department, till *Respondent No.2 / Avinash Kumar Dubey*, Manager (Movement) along with *Respondent No.3 / Mrs. Shraddha Sharma*, DGM (IR-S) and *Respondent No.4 / Mr. Ranjeet Kumar Jeenagar*, AGM (IR-S) for their personal gain allegedly started making Complaints under pseudo names and would thereafter send the said Complaint to FCI Headquarters.
4. On 12.02.2016, a purported Complaint of sexual harassment was filed in the name of one Ms. Dipasha Sharma, a fake person. It was purportedly



complained that the DGM was in a habit of drinking and went around the colony with prostitutes at night. It was alleged that the Petitioner had been seen with the DGM, late at night at around 1:00 – 2:00A.M. in the colony. It was further alleged that the Petitioner along with one Ms.Usha Jangde, was allegedly having physical relations with DGM and were sexually harassed by him. It was further asserted that on account of such harassment, the Petitioner was on the verge of committing suicide.

5. It was further stated that DGM had called Ms. Dipasha Sharma, at odd hours, from different numbers. Ms. Dipasha Sharma claimed herself to be a friend of the Petitioner and staying in a nearby colony, where the DGM stayed and that she was a college-going student. She further alleged that she was physically abused by the DGM, with the promise that he would marry her and that when she asked him about marriage, the DGM refused to marry her.

6. The Petitioner claimed that this pseudonymous Complaint was fabricated, false and *mala fide* and was created with an intent to put pressure and get the said Officer transferred from the office.

7. The Petitioner was shocked and shattered to hear about the allegations in the purported Complaint. She had neither known nor had she ever met the person Dipasha Sharma; and on investigation by the Police, it was found that there is no one by this name.

8. It was claimed that in the past as well, FCI had a hallmark way of functioning where, first repeated anonymous or pseudonymous Complaints were filed against other Officials for vested interest; whereafter, these vested interest lobbyists at the Headquarters of FCI and based on these Complaints,



got the Officers named in the Complaint transferred, for their own gains. While doing so, the name and reputation of the women mentioned in the Complaint was being tarnished and ruined and were being un-necessarily dragged and harassed.

9. On 07.03.2016, FCI Headquarters forwarded the Complaint to the concerned RO for investigation. The Petitioner also wrote a representation on the same day to the CMD, FCI Headquarters for indulgence. Due to such pseudonymous Complaint, she was un-necessarily being dragged as well as the name of the DGM was being ruined in public.

10. *Ms. Usha Jangde*, AG-II, RO, FCI, Raipur, whose name was also mentioned in the said Complaint, filed a Representation dated 07.03.2016 to CMD, FCI Headquarters, New Delhi. On 28.03.2016, Respondent Nos.3 and 4 once again forwarded the Letter to Regional Officer Raipur stating that the Representations of the Petitioner as well as of *Ms. Usha Jangde* may be investigated with reference to the earlier Office Letter dated 07.03.2016.

11. Despite the Petitioner's endeavour of sending the Representations to the RO as well as to the Headquarters, without following the Rules of CVC Order Circular No. 07.11.2014 dated 25.11.2014, no action was taken on the alleged anonymous/ pseudonymous Complaint.

12. On Representations given by the Petitioner as well as *Ms. Usha Jangde*, the presiding Officer of ICC, FCI, RO, Raipur, called for an *Expert Opinion* on the signatures on the last page of the purported Complaint. The Expert gave his Report dated 26.04.2016, giving an opinion that the signatures were indeed not of *Ms. Dipasha Sharma*, but were of Respondent No. 2, as the pattern of handwriting was same. It is thus, abundantly clear



that the purported Complaint had been drafted by Respondent No. 2 and contained a concocted and false story in the name of a girl, to show that the Complaint was genuine. This is a scam racket, which is being adopted by some Official of FCI to tarnish the image and reputation of the Petitioner, Ms. Usha Jhangde and DGM, FCI.

13. After collecting enough evidence against all the accused, namely *Respondent No. 2 / Mr. Avinash Kumar Dubey*, Manager (Movement), *Respondent No. 3/ Shraddha Sharma*, DGM (IR-S) and *Respondent No. 4 / Mr. Ranjeet Kumar Jeenagar*, AGM (IR-S), in fabricating the purported false Complaint. The Petitioner made a Complaint dated 04.05.2016 to SHO, PS: Barakhamba, for registration of FIR under Sections 182, 192, 193, 465, 469, 354, 120-B of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) and also to register a Complaint for Defamation under Sections 499 and 500 of IPC, however, instead of registering the FIR, only DD No.40(B) was registered.

14. Since there was no response from the concerned PS, the Petitioner filed a *Complaint bearing CC No. 1589/1/2016 under Section 200 of the Cr.P.C. along with an Application under Section 156(3) of Cr.P.C. for registration of FIR.*

15. **Learned MM, in his Order dated 20.12.2016**, noted that there was no field investigation required, as the Petitioner was having the evidence, which included the purported Complaint and also the Expert Report. *Consequently, the Application under Section 156(3) of Cr.P.C. was dismissed.*



16. Thereafter, a **Revision Petition bearing C.R. No.100/2017** was preferred by the Petitioner against the Order dated 20.12.2016, but the learned ASJ concurred with the observations of the learned MM and **dismissed the Revision Petition vide Order dated 09.10.2017.**

17. Aggrieved by the said dismissals the **present Petition has been filed.**

18. The **grounds of challenge** are that learned MM as well as learned ASJ, have completely ignored the conspiracy part / illegal act done by Respondent Nos.3 and 4, in circulating the pseudonymous Complaints in various Offices specially to the ED (Zone), Zonal Office (West), Mumbai, acting in variance to the request of the Petitioner, as they have accomplished the illegal objective by achieving the transfer of the Officer. This act is also contrary to the Rules of FCI as well as Central Vigilance Commission.

19. The necessity of registration of FIR, against the illegal actions of the Respondents in drafting the alleged pseudonymous Complaint, has not been appreciated. The gravity of damage caused to the Petitioner's health and reputation by a well-thought crime committed by the Respondents, especially by using the statements that DGM is in a habit of drinking and going around the colony with prostitutes and the Petitioner at night, have not been understood and appreciated.

20. It has also not been considered that even if the evidence is within the reach of the Petitioner, investigation must be carried out by a Competent Investigating Agency, to un-earth the persons behind this conspiracy.

21. Reliance is placed on Lalita Kumari vs. Government of U.P. and Others, (2014)2 SCC1.



22. *A prayer is therefore, made that the impugned Orders of learned MM and Learned ASJ be set aside and directions be issued for registration of FIR.*

23. **Status Report** has been filed by the IO, stating that during the inquiry, the Presiding Officer of ICC, FCI, RO called for an Expert Opinion regarding the signatures on the purported Complaint. Expert opinion was obtained on 26.04.2016, wherein the Expert opined that the Complaint was signed by Respondent No. 2 as the pattern of writing was similar to his.

24. It was further stated that during the course of inquiry, a Letter dated 04.05.2016 was sent to FCI Headquarters for taking the complete Inquiry Report, however, FCI replied that after Receipt of the Complaint of Ms. Dipasha Sharma, it was forwarded to Executive Director (West), FCI, Zonal Office Mumbai for necessary action. The Inquiry Report, which was held by the Committee of Regional Office, Raipur, shall be shared, only after it is properly examined and considered by the Disciplinary Authority.

25. In the Status Report, it was further stated that the Inquiry Report submitted by ICC on 20.07.2016, was found not to be as per the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and FCI Circular No. EP24-2015-05 dated 27.02.2015 and was, thereafter, transferred back to Executive Director (West), with request to submit the ATR *vide* Letter dated 15.09.2016.

26. Executive Director, *vide* his Letter dated 21.12.2016, had submitted that FCI, RO Raipur has been directed that baseless allegations levelled against the Officer /Officials of FCI are to be taken back, since the ICC Raipur had exceeded its mandate in drafting the Inquiry Report. Further,



FCI, RO Raipur informed that the composition of ICC at FCI, RO Raipur was not in consonance with the General Principles of the constitution of Internal Complaints Committee as well as Prevention of Sexual Harassment of Women at Workplace Act, 2013.

27. The **Petitioner** in her **Written Submissions**, reiterated the same contentions, as in the present Petition.

28. **Respondent No.2 / Mr. Avinash Kumar Dubey** in his **written submissions** stated that it has not been brought to the Notice of the Court that the *Petitioner/ Ms. Aparna Bhattacharya* is not residing at Raipur and is a *bona fide* Employee of the State Government of West Bengal, at the time of filing the present Petition, which is evident from her resignation which was subsequently approved by FCI. However, she is deliberately trying to hide her identity and address, only to mislead the Court to get the Judgment in her favour.

29. It is further submitted, the Petitioner herein has deliberately given a false address of Raipur, even though she is not residing there and is a *bona fide* resident of West Bengal.

30. Reliance is placed on Mrs. Priyanka Srivastava and Others vs. the State of U.P. and Others, wherein it was observed that while filing a Petition under Section 156(3) of Cr.P.C., it should be supported by an Affidavit, so that the person making the Application should be conscious and also endeavour to see that no false Affidavit is made. It is because once an Affidavit is found to be false, he shall be liable for prosecution, in accordance with law.



31. It is further claimed that the content of the present Petition itself shows that the Petitioner has been trying to frame the Respondents, only to save an Officer from his transfer, as it is clearly evident by DoPT Circular No. 11012/5/2016 dated 02.08.2016, that any Appeal should be made before the Disciplinary Authority before approaching the Court.

32. It is further stated that the DGM had been transferred on completion of his two year and eight months' tenure at the same station, which is a common fact and such transfer is in accordance with the *general flotation policy*. The DGM got transferred in October 2016, while the purported Complaint was received in February 2016. Seemingly, there is no connection between the Complaint and the transfer of the DGM.

33. It was also asserted that the allegations made against Respondent No.2 about there being a cartel, is utterly baseless and no *iota* of proof establishing this allegation has been led by the Petitioner.

34. It is further asserted that there are clear-cut guidelines by CVC that once it is established that the Complaint is pseudonymous or anonymous, there should not be any investigation or enquiry made on this Complaint.

35. Furthermore, the Expert Report dated 26.04.2016 obtained during the inquiry by the Presiding Officer of ICC, is fallacious for the simple reason that the opinion of the handwriting Expert has been given by examination of Xerox copies of documents, when it is well settled that the signatures can be compared only with the original documents. It is not even sure that the Expert Report can be relied upon, as it has ample amount of doubt regarding authenticity of signatures and no detailed reasoning has been made in the Report.



36. Reliance is placed on Ram Chandra vs. State of U.P., AIR 1957 SC 381 and Ishwari Prasad Mishra vs. Md. Isa, AIR 1963 SC 1728 wherein it was held that it is unsafe to base a conviction solely on the basis of an Expert opinion without any substantial corroboration.

37. It is further asserted that the Petitioner is habitual in giving false statement under oath and the present Petition has been filed only to harass the Respondents herein. *It is therefore, prayed that the present Petition be dismissed.*

38. **Written Submissions** have also been filed on behalf of **Respondent No.3 / Mrs. Shraddha Sharma** and **Respondent No. 4 / Mr. Ranjeet Kumar Jeenagar**, who have submitted that both the Respondents were working in FCI Headquarters, in their capacity as DGM (IR-S) and AGM (IR-S) respectively. Upon receiving the Complaint on Sexual Harassment by Ms. Dipasha Sharma, followed by two Representations dated 08.02.2016 and 07.03.2016 by the Petitioner, the same were forwarded to Zonal Office, in discharge of their official function and duty. The Respondents would have been in breach of their official duty, had they not forwarded the said Complaint and Representations concerning allegations of such serious nature of sexual harassment.

39. It is asserted that the allegations against Respondent Nos. 3 and 4 is that they had not acted in accordance with the request of the Petitioner i.e. to refrain from forwarding the Complaint to the FCI Head Office. However, the Respondent Nos. 3 and 4 were not bound by the request of the Petitioner, rather they were obligated to discharge their official duty.



40. It is further submitted that Respondent Nos. 3 and 4 had not acted out of malice or ill-will towards the Petitioner or under any conspiracy, as is alleged by the Petitioner against them. In so far as the grievance of the Petitioner against the Respondents *qua* defamation is concerned, it is stated that it is unsustainable, as at no point of time any defamatory statement was made against the Petitioner. In fact, the evidence led by the Petitioner herself leads to the conclusion that Respondent No.2 herein had allegedly made a spurious sexual harassment Complaint naming the Petitioner in defamatory light. It is reiterated by Respondent Nos. 3 and 4 that forwarding a Complaint was done in good-faith and discharge of their official duty.

41. It is further contended that the assertion of the Petitioner that the concerned Officers have ignored FCI Rules in regard to pseudonymous Complaint by circulating the alleged Sexual Harassment Complaint, is misconceived. The Policy of FCI is in line with the instructions issued by Central Vigilance Commission. The Rules on handling pseudonymous and anonymous Complaints, are pertaining to Complaints where allegations are of corruption and not of the sexual harassment.

42. *It is therefore, prayed that the present petition be dismissed.*

Submissions heard and record perused.

43. *The short issue which is involved is whether the Order dated 09.10.2017 of the Learned ASJ upholding the Order dated 20.12.2016 of the Learned MM dismissing the Application filed by the Petition under Section 156(3) of the Cr.P.C. for directing registration of the FIR on the said allegations, is justified.*



44. Essentially, it was alleged that a pseudonymous and anonymous Complaint was made by Ms. Dipasha Sharma, in which defamatory averments were made against the Petitioner. It was asserted that such Complaint was forwarded by Respondent Nos. 3 and 4, though it was contrary to the FCI Policy and the Guidelines of CVC, which mandate that the anonymous Complaints must not be forwarded to the Department. The Petitioner had further asserted that such pseudonymous Complaints were being made in the Department, only to get the Officers transferred from the Post. The prayer was to register the FIR under Sections 182, 192, 193, 465, 469, 354, 120-B of IPC and also to register a Complaint for Defamation under Sections 499 & 500 of IPC.

45. The most pertinent question which arises for consideration is whether the facts and circumstances in this case, warrant the directions under Section 156(3) of the Cr.P.C. for registration of FIR.

46. In Skipper Beverages Pvt. Ltd. v. State, 2001 SCC OnLine Del 448, the Coordinate Bench of this Court had explained the scope and powers of the Magistrate in giving directions for the registration of an FIR under Section 156(3) of the Cr.P.C. It was succulently observed that;

7. It is true that Section 156(3) of the Code empowers a Magistrate to direct the police to register a case and initiate investigations but this power has to be exercised judiciously on proper grounds and not in a mechanical manner. In those cases where the allegations are not very serious and the complaint himself is in possession of evidence to prove his allegations there should be no need to pass orders under Section 156(3) of the Code. The discretion ought to be exercised after proper application of mind and only in those cases where the Magistrate is of the view that the nature of the allegations is such that the complaint himself may not be in a position to collect and produce evidence before the Court and interests of justice deem and that the



police should step in to help the complaint. The police assistance can be taken by a Magistrate even under Sec.202(1) of the Code after taking cognizance and proceeding with the complaint under Chapter XV of the Code as held by Apex Court in 2001 (1) Supreme page 129 titled "Suresh Chand Jain v. State of Madhya Pradesh & Ors."

47. Therefore, the power under Section 156(3) of the Cr.P.C., must be exercised only after the Magistrate applies his mind and is satisfied that the allegations are serious, that the Complainant cannot gather the necessary evidence on their own, and that police investigation is necessary.

48. In the present case, from a perusal of the contents of the Complaint and submissions made, it is evident that all the documents and requisite information was in power and possession of the Complainant. It has been rightly observed by learned MM and endorsed by learned ASJ, that no Police assistance, at this stage, was required for collection of the evidence. Moreover, the Handwriting Report had also been procured by the Petitioner. Therefore, it has been rightly noted that the evidence was well within the power and possession of the Petitioner and no Police assistance was required and consequently, the Application under Section 156(3) Cr.P.C. has been rightly rejected.

49. Furthermore, the Learned Trial Court has merely dismissed the Application under Section 156(3) of the Cr.P.C. and has continued with the Complaint under Section 200 of the Cr.P.C. In case any police assistance is required, the same can be still resorted to under Section 202 of the Cr.P.C. as has been held by the Apex Court in the case of Suresh Chand Jain v. State, 2001 (1) SCC 129.



50. In view of the aforesaid discussion, the Petitioner has failed to show any perversity, illegality or any ground for interfering with Order dated 09.10.2017, passed by learned ASJ.

51. There is no merit in the present Petition, which is hereby, **dismissed** along with pending Applications.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 11, 2026/R