

(2019) 10 CHH CK 0008

Chhattisgarh High Court

Case No: Criminal Miscellaneous Petition (CRMP) No. 1433 Of 2017

Shashikant Prasad

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Oct. 1, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 164, 482
- Indian Penal Code, 1860 - Section 34, 354, 354A

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Kishore Bhaduri, Juhi Jaiswal, H. S. Ahluwalia, Harshwardhan

Final Decision: Dismissed

Judgement

Sharad Kumar Gupta, J

1. Petitioner has preferred this CRMP under Section 482 of the Criminal Procedure Code, (for short 'Cr.P.C.') to quash the FIR No.3340050170160

under Crime No.160 at Police Station Tamnar, District Raigarh for the offences punishable under Sections 354, 354-A r/w 34 Indian Penal Code(IPC)

qua the petitioner.

2. By this order I.A. No. 1/2017 application for grant of interim relief/ stay and I.A. No. 1/2018 application for vacating stay are being disposed of.

3. In brief the respondents' case is that respondent No.2 Tripati Das was working as Junior Officer, HR and ES, Department in Jindal Power Ltd. at

Tamnar since 19th August, 2014. Allegedly there was complaint against her that she was wandering outside of Girls Hostel late night, she was

wondering near gate No.3, she unnecessarily sat in the Finance Department during working hours. The behaviour of the petitioner who was DGM was rude. It was related to her personal life. She made a complaint on 10.05.2017 to the plant head. She also made a complaint by email regarding sexual harassment and molestation against petitioner on 12.05.2017. Ultimately she was terminated from the service. She lodged an FIR against the petitioner on 13.07.2017 to the effect that he was sexually harassing and molesting her. Her statement under Section 164 Cr.P.C. was also recorded during the investigation.

4. In brief the petitioner's case is that on the complaint of respondent No. 2 dated 10.05.2017 a committee was constituted. After inquiry the committee found that the complaint is baseless and recommended strict disciplinary action against her. The complaint made by respondent No. 2 by email regarding sexual harassment and molestation by petitioner was found untrue after preliminary inquiry. She was terminated on 13.06.2017. The FIR is afterthought and filed to take revenge from him.

5. Looking to the complaint made by respondent No.2 on 10.05.2017, looking to the complaint made by respondent No.2 by email dated 12.05.2017, looking to this fact that she was terminated from the service, looking to this fact that after the termination she lodged impugned FIR, this Court finds that prima facie a case is made out in favour of petitioner regarding I.A. No.1. Consequently I.A.No. 1/2017 is allowed and further proceedings pursuant to said FIR are stayed till further order.

6. In view of the above I.A. No. 1/2018 is rejected.

7. Respondent No.2 is directed to file the reply till next date of hearing.

8. Fix this case on 4-12-2019 for final hearing.