

(2017) 02 MP CK 0106

MADHYA PRADESH HIGH COURT

Case No: 120 of 2017

Mukesh Mishra

APPELLANT

Vs

Pusauram Patel &
Others

RESPONDENT

Date of Decision: Feb. 8, 2017

Acts Referred:

- Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, Section 2(1)

Hon'ble Judges: Rajendra Menon, Anjuli Palo

Bench: Single Bench

Advocate: Prashant K. Badarya, Swapnil Ganguly

Judgement

1. Shri Prashant K. Badarya, learned counsel for the appellant. Shri Swapnil Ganguly, learned Government Advocate on advance notice for the respondents/State.

2. Seeking exception to an order dated 21.12.2016 passed by the writ court in W.P. No.8464/2016, this writ petition was filed. The petitioner is working as a Sub Inspector in the Police Department and it is alleged against the petitioner that he went into the house of a subordinate lady employee in the night and misbehaved with her and also acted in a manner so as to outrage her modesty. Based on the same, apart from initiating criminal case, a departmental enquiry is initiated against him and contending that the allegations made in the departmental enquiry and in the criminal case are identical in nature and, therefore, for the same set of allegation both the proceedings cannot go together and the writ petition was filed. The writ court having dismissed the writ petition, this appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth Ko Appeal) Adhiniyam, 2005.

3. Having heard learned counsel for the parties, we are of the considered view that learned writ court has not committed any error in dismissing the writ petition. The question involved in the criminal case does not involve any complication or issues pertaining to mixed question of law and fact. On the contrary, the question in the criminal case is a simple question with regard to certain facts and the learned writ Court having analyzed all these aspects in accordance to the law laid down by the Supreme Court in the cases referred to in the judgment, we see no error in the order warranting reconsideration, the appeal is, therefore, dismissed.