

(2010) 09 DEL CK 0417

Delhi High Court

Case No: Criminal M.C. No. 544 of 2009

Bidhyut Chakraborty

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision: Sept. 9, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 354, 506, 509

Hon'ble Judges: S.N. Dhingra, J

Bench: Single Bench

Advocate: Deepak Bhattacharya and Rajesh Kumar, for the Appellant; Sunil Sharma, APP, for the Respondent

Judgement

Shiv Narayan Dhingra, J.

This criminal misc main petition u/s 482 Cr.P.C. has been preferred by the petitioner for quashing FIR No. 76 of 2007 u/s 354, 506, 509 IPC lodged in police station Maurice Nagar, Delhi and the proceedings emanating therefrom.

2. The petitioner was working as an Honorary Director on deputation basis at Gandhi Bhawan and the complainant was an employee there. The complainant filed a complaint against the petitioner u/s 354/506/509 IPC. After completion of investigation chargesheet was filed before the Court. A perusal of chargesheet would reveal that the investigating officer had made enquiries from different staff members of Gandhi Bhawan and from tea vendors and other witnesses available outside Gandhi Bhawan to find out the truth. No one supported the complaint made by the complainant and under these circumstances, SHO filed a report that from the investigation, alleged misbehavior by the petitioner/accused towards complainant has not been confirmed and no evidence has been found against the petitioner for his arrest. However, keeping in view the complaint made by the complainant, the challan was being filed to the court and if the court deems fit, it may issue summons

to the accused/petitioner.

3. Normally whenever after investigation if no evidence comes on record to confirm commission of crime, a closure report is filed. However, in this case instead of filing a closure report, a strange report was filed by the police that though there was no evidence to confirm the incident, however, court may still summon the accused/petitioner, if it considers appropriate.

4. An inquiry was conducted by the Inquiry Committee of the University concerning complaints of employees vis-à-vis director and perusal of inquiry report would show that the director/petitioner in this case reached Gandhi Bhawan after lunch hours on the day of alleged incident and found that all the employees were missing. No one was there in the office. The inquiry committee also came to conclusion that though the lunch hours were only half an hour but the employees used to extend it to one hour. Although, courtesy demanded that at least one of the employees should remain in Gandhi Bhawan, a public place, to answer the queries of public but none of the employee used to be present and when the petitioner found that all the employees were not there, he got enraged and scolded the employees including the complainant and told them to sit outside the office and gave verbal order not to come to office for one month. However, two of the employees joined back the duties on 15th or 16th April whereas the complainant came to office regularly and asked the director/petitioner to give orders of not attending the office in writing.

5. The statement of witnesses recorded by the investigating officer also shows that the director has scolded the complainant and the complainant was saying "sorry sir, sorry sir".

6. In view of the fact that there was no evidence that the alleged incident had taken place or the petitioner had threatened the complainant or molested her as alleged, rather the sequence of events shows that the scolding had taken place on the employees not being present during working hours, I consider that no proceedings could be initiated against the petitioner keeping in view the chargesheet filed by the police which was more in the nature of a closure report.

7. I, therefore, allow this petition. The FIR No. 76 of 2007 u/s 354, 506, 509 IPC lodged at police station Maurice Nagar, Delhi and the proceedings emanating therefrom are hereby quashed.