

## **Bidhyut Chakraborty Vs State and Others**

**Court:** Delhi High Court

**Date of Decision:** Sept. 9, 2010

**Acts Referred:** Criminal Procedure Code, 1973 (CrPC) â€” Section 482  
 Penal Code, 1860 (IPC) â€” 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.