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

+ W.P.(CRL.) 319/2022

P. MOHANTY

..... Petitioner

Represented by: Mr.Satish Tamta, Sr.Advocate
with Mr.Shariq Iqbal,
Mr.Dhruv Tamta, Advocates
for the petitioner with petitioner
in person.

Versus

STATE & ANR.

.... Respondent

Represented by: Mr.Piyush Singhal, Advocate
for Mr.Ashish Aggarwal, ASC
for the State with SI Nikhil
Raman, P.S.South Avenue.
Ms.Inderjit Sidhu, Advocate for
R2 with R2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.02.2022

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The hearing has been conducted through Physical Mode.

1. By this petition, the petitioners seek quashing of FIR No. 0008/2021 under Sections 354(A)/354(D)/506/509 IPC registered at PS South Avenue on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have entered into a settlement.
2. Notice. Mr.Piyush Singhal, learned counsel appearing for learned Additional Standing Counsel for the State accepts notice.

3. Notice is accepted by the learned counsel for the respondent No. 2 who is present in Court along with the respondent No. 2.

4. In the above-noted FIR, the allegations of the complainant/respondent No. 2 are that she was working in a government office and from the year 2016 to 2018, the petitioner was working as a Deputy Director General in the said office. However, the petitioner was neither the immediate senior of the complainant nor the reporting officer. Despite the same, the petitioner used to repeatedly call the complainant to his chamber and speak non-sense to her. When she made a complaint to the senior officer i.e. the Additional Director General and who also used to sit in the office of the petitioner, the complainant was asked to ignore the conduct of the petitioner. The petitioner used to follow her in the corridor. In order to avoid the petitioner, while complainant was moving through the corridor if the complainant entered some room, the petitioner would keep standing in that corridor and waited for the complainant to come out of the said room and then follow her. He made sexual overtures to her asking her to marry him or be his girlfriend and when the complainant did not pay any heed to the requests of the petitioner, the petitioner started calling her at odd hours and sending her messages. When the complainant wanted an action and narrated the incidents to the senior officer, it was stated that the petitioner would soon be transferred and thus, she should not give the complaint. In the meantime, the petitioner was promoted and transferred to Muradnagar. The complainant thus thought that probably now, she will not be harassed, however, the harassment continued. In the month of

December 2017, the complainant suddenly received reduction in the pay bill on the ground that she had taken lot of leaves. Thereafter, the complainant was pressurized to take her case back and in return, the petitioner would pay her the money.

5. The respondent No. 2 who is present in person states that she has given copies of the screenshots of the messages received to the Investigating Officer. She further states that to harass her, the dates on which the Biometric attendance machine was not working, were counted as holidays taken by her and against the same, the amount sought to be deducted from her salary and in the process, so far, an amount of ₹19,000/- has been deducted and ₹96,000/- is still outstanding dues against the respondent No. 2.

6. A detailed status report will be filed under the signatures of the DCP concerned after carrying out a proper investigation into the matter.

7. Learned counsel appearing on behalf of learned Additional Standing Counsel for the State informs that in the enquiry conducted by a Committee constituted under the guidelines laid by the Hon'ble Supreme Court in Vishaka and Ors. Vs. State of Rajasthan & Ors., the petitioner has already been indicted.

8. At this stage, this Court is not inclined to quash the FIR in question on the basis of the settlement and it would be appropriate to have a detailed status report under the signatures of the DCP concerned after carrying out a proper investigation, before disposing off the petition.

9. List this petition on 24th March 2022.

10. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

FEBRUARY 14, 2022/akb