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

% *Date of decision: 29th July, 2025*

+ **CRL.M.C. 290/2025**

NEERAJ SINGH RANA

S/o Sh. Ramesh Pal Singh

.....Petitioner

Through: Mr. Vikram Singh, Ms. Nidhi Tiwari,
Mr. Nikunj Sharma, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Utkar,sh, APP for the State with
W/SI Krishna P.S. Dwarka Sec-23
and ASI Karan Singh P.S. Dwarka
South.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

**CRL.M.A. 21907/2025 (under Section 482 Cr.P.C read with Section 528 of
*Bhartiya Nagrik Suraksha Sanhita, 2023 on behalf of the Petitioner for
Restoration of CRL.M.C. No.290/2025)***

1. An Application has been filed on behalf of the Petitioner for recall of the Order dated 24.07.2025 vide which the Petition was *Dismissed in Default*.

2. It is submitted by learned Counsel for the Petitioner that since he was busy in another Court, he could not appear before this Court on 24.07.2025, on account of which the Petition CRL.M.C.No.290/2025 was *Dismissed in*



Default.

3. In view of the reasons stated in the Application, the Order dated 24.07.2025 is set aside and the Petition CRL.M.C. No.290/2025 is restored.

4. The Application is allowed and is accordingly disposed of.

CRL.M.C. 290/2025

5. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C'*) has been filed on behalf of the Petitioner, Neeraj Singh Rana *for quashing of FIR No. 486/2015 dated 04.12.2015 under Section 380 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC')* registered at Police Station Sector-23, Dwarka, New Delhi as well as the criminal proceedings arising from Criminal Case No. 25103/2015, pending before the Ld. ACJM, Dwarka Court, New Delhi along with other consequential reliefs.

6. ***Briefly stated***, the Petitioner, Neeraj Singh Rana has submitted that he was appointed as Assistant Teacher (Primary) by the MCD on 22.08.1990 and joined the school run by the Corporation, on 14.09.1990. On the recommendations of the Departmental Promotion Committee, he was promoted to the post of TGT (Natural Sciences) on 08.04.1997 and was posted in GBSS, BE Block, Hari Nagar w.e.f. 31.03.1997. He was then transferred to Government Co-ed, SSS, Bamnoli-Dhulsiras, as TGT (Natural Sciences) on 20.06.2005.

7. During the ongoing cleanliness drive, the entire staff was called to the School on 22.11.2015 i.e. Sunday. The Petitioner along with one Mr. Praveen Kumar, Lab Assistant, was assigned the duty of cleaning the Science Lab of the School. The Respondent No. 3, Mr. Suresh Chandra



Sharma, then HOS of the School allegedly observed Mr. Praveen Kumar carrying a carton to his car. He approached the car and discovered two cartons in the Car. On enquiry, Mr. Praveen Kumar informed that one carton was to be destroyed, while the second carton belonged to the Petitioner. Respondent No. 3 without seeking any clarification from the Petitioner and without justification called the Police to the School and also issued a Memo to him. The carton which was to be destroyed had 27 Zoology & Botany specimens and the carton that belonged to the Petitioner, had 10 rims of A4 papers. The Petitioner asserted that he had bought these 10 rims a day before and had stored it in the car of Mr. Praveen Kumar, who had accompanied him to the market that day.

8. The Memo issued by the Respondent No. 3, was replied on the same day by the Petitioner.

9. On the recommendation of the Respondent No. 3, the Petitioner was transferred to GBSSS No. 2, Samalka on 24.11.2015.

10. An **FIR No. 486/2015** under Section 380 IPC was registered at Police Station Sector-23, Dwarka, on the Complaint of the Respondent No. 3. The Petitioner was granted Anticipatory Bail by the learned ASJ, Dwarka Courts on 10.12.2015.

11. A Committee was constituted by the DDE District (South West B) *vide* its Order dated 11.02.2016. It filed the Report dated 06.04.2016 affirming the contention of the Petitioner that the carton containing rims of A4 papers, was his personal property. In respect of the other carton containing Zoology and Botany specimen, it was held that the intent of theft was not clear.



12. The Petitioner was then served with a Show Cause Notice dated 22.04.2016 regarding the removal of specimens from the Science Lab. The Petitioner gave his Reply dated 28.04.2016 wherein he refuted all the allegations made against him and put the correct facts on record. A Charge-Sheet *vide* Memorandum dated 22.08.2017 was served upon him.

13. In the interim, in the FIR No. 486/2015, after detailed investigations into the allegations made by the HOS, **Cancellation Report** dated 05.06.2018, before the ACMM, stating that no offence under Section 380 IPC was made out. However, a **Protest Petition** was filed by HOS against the Cancellation Report.

14. Ld. ACMM dismissed the Protest Petition *vide* Order dated 20.02.2019 by observing that there was no ground for further investigations or summoning of the Petitioner. However, one opportunity was granted to the Complainant to lead pre-summoning evidence, which is still pending even after a lapse of six years. The Respondent No. 3 is keeping the Criminal Case alive to cause prejudice to the Petitioner in the Department.

15. *On the Departmental side*, after the remand of the matter on two occasions, the Enquiry Officer conducted further enquiry and on the basis of the documents on record *concluded that* the HOS had acted in haste and mis-handled the entire incident. *No theft of School Property was attempted or/had occurred.*

16. The Disciplinary Authority issued the Disagreement Note dated 01.10.2020 on the basis of erroneous understanding of facts and untenable observations. The Disciplinary Authority then held the Petitioner guilty of the Charge levelled against him and imposed a penalty of reduction to a



lower stage in the time scale pay by one stage for a period of one year, on 05.02.2021.

17. *The Appellate Authority* upheld the Order of the Disciplinary Authority and dismissed the Appeal *vide* Order dated 22.07.2022.

18. The Petitioner then filed an Original Application bearing OA No. 2222/2023, before the Central Administrative Tribunal (*hereinafter referred to as 'CAT'*). On 08.05.2024, the Respondent No. 2, Department rejected the Petitioner's case for grant of 3rd financial upgradation in grade pay, which became due on 01.09.2018 (on completion of 30 years in service), under the Modified Assured Career Progression (MACP) Scheme of the Government of India citing the pendency of FIR No. 486/2015 and the criminal proceedings arising therefrom before the Dwarka Court.

19. *The CAT vide Order dated 12.12.2024 set-aside the aforesaid Orders of Disciplinary Authority* by observing that no evidence was there on record to indicate the guilt of the Petitioner. It was further held that the HOS/Respondent No. 3 had acted hastily in calling the police, which had blown the incident out of proportion. Consequential benefits were granted.

20. The Respondent No. 2 *vide* Order 03.01.2025 granted financial upgradation in grade pay under the MACP Scheme, to others but once again denied the same to the Petitioner. Despite the Judgment of CAT, the Petitioner is being denied his due.

21. By way of the present Petition, the Petitioner has sought the quashing of the FIR and all the consequential proceedings on the grounds that the detailed investigations were carried out in the FIR and Cancellation Report dated 05.06.2018 was filed by the IO. The Cancellation Report has been



accepted by the Ld. ACMM, though the Protest Petition is pending wherein opportunity has been granted to the Respondent No. 2 to lead pre-summoning evidence.

22. It is asserted that the Respondent No. 3 has misused the liberty by keeping the matter alive for more than six years at the stage of pre-summoning evidence. The Respondent No. 3, who has since retired from the Respondent No. 2 Department, is still pursuing the Criminal Case in his personal capacity and without any authorization.

23. In the Departmental Enquiry based on the same allegations, he has already been exonerated by the Enquiry Officer. Though the Disciplinary Authority gave the disagreement note, it has been set-aside by the CAT. It is submitted that there is absolutely no evidence to support the allegations leveled against him, as the rims of Paper had been bought by him *vide* Invoice dated 21.11.2015. Insofar as the specimens of Zoology and Botany are concerned, it is asserted that the same were to be destroyed in terms of Circulars dated 09.11.2010, 22.05.2012 and 09.10.2012, issued by CBSE and the Circular had been marked to the Petitioner and the then Lab Assistant, Mr. Vinod by the then HOS Shashi Singh, on 17.12.2012.

24. The entire controversy is the result of personal grudge of the Respondent No. 3, who acted hastily in calling the Police to get the FIR registered. The present criminal proceedings are vexatious and initiated with intent to malign and harass the Petitioner. There was no basis for getting the FIR registered.

25. Hence, the Court may quash the FIR No. 486/2015 in exercise of its inherent powers under Section 482 Cr.PC and also to award cost and



damages to the Petitioner.

26. ***Ld. APP has contended that*** the Cancellation Report has already been filed and accepted by the learned Metropolitan Magistrate. The FIR does not survive and therefore, there is no question of quashing. Insofar as the pendency of Protest Petition and a recording of pre-summoning evidence thereunder is concerned i.e. not the subject matter of the present Petition and the same cannot be quashed under the present proceedings.

Submissions heard and the record perused.

27. Though the entire factual narrative as given by the Petitioner does point out towards the *mala fide* initiation of criminal proceedings *vide* FIR No. 486/2015 which has resulted in the Closure of the FIR and also the setting aside of the punishment awarded by the Disciplinary Authority, by CAT, but insofar as the quashing of FIR is concerned, it already stands cancelled and the Cancellation Report accepted. Not only this, the Protest Petition has also met the same fate. Insofar as non-compliance of the Orders of CAT are concerned, the remedy does not lie in the present proceedings or before this Court.

28. There is nothing surviving in the present FIR, which can be quashed by way of the present Petition and is accordingly disposed of.

29. The Pending Applications are also disposed of, accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 29, 2025/RS