



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 24th OF FEBRUARY, 2026

WRIT APPEAL No. 516 of 2026

SULTAN SINGH NAGAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri MPS Raghuvanshi Sr. Advocate with Shri Mohd. Amir Khan - Advocate for the appellant.

Shri Ravindra Dixit - Govt. Advocate for the respondents/State.
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ORDER

Per. Justice Anil Verma

1. With the consent of both the parties.
2. This writ appeal under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 has been preferred by appellant/petitioner assailing the impugned order dated 27.01.2026 passed by learned Writ Court in W.P. No.11808/2021, whereby, the writ petition filed by present appellant challenging the dismissal order, has been dismissed.
3. Precisely stated facts of the case, in short, are that appellant/petitioner, was working as Assistant Sub Inspector Police and he was posted in PS Raghogarh District Guna (M.P) at the relevant time. During intervening night on 07-08/05/2011, he along with co-delinquent



constable Ashok Kumar Sharma, Jeetu Nagpal and Balveer Singh Rana de-boarded the complainant Babu Singh from a Train Rajdhani Express at Kota Railway Station and abducted him and thereafter, looted about 4072.700 gm gold from him. Accordingly, criminal case for the offence punishable under Section 365, 392, 34 of IPC has been registered against them at PS GRP Kota (Raj) and simultaneously, departmental inquiry on the basis of the charge sheet (Annexure P/4) has been initiated against him. But he and other co-delinquent have been acquitted in the criminal case vide judgment dated 30.06.2016 passed by Additional Sessions Judge Kota in Sessions Trial No.45 of 2014 and after conducting inquiry, the appellant has been punished and dismissed from service vide order dated 11.05.2021 passed by the respondents and his mercy petition has also been rejected by the appellate authority.

4. Being aggrieved by the aforesaid, appellant/petitioner preferred a writ petition for quashment of the aforesaid order before the writ Court. The respondents before the writ Court has categorically stated that the petitioner has been found guilty of the serious charges, after appreciation of evidence during course of departmental inquiry. The findings recorded in departmental inquiry cannot be examined in exercise of the powers of judicial review. On the basis of the evidence available in the inquiry, all the charges have been found proved against the appellant. The inquiry has been conducted in accordance with the principles of natural justice. Therefore, the order of punishment passed against the petitioner/appellant is just and proper and does not call for any interference.



5. Learned writ Court after hearing both the parties dismissed the writ petition filed by the appellant/petitioner. Being aggrieved by the aforesaid, the appellant has preferred this writ appeal.

6. Learned counsel for the appellant has contended that the impugned order passed by learned writ Court is contrary to the law. No sufficient and proper opportunity of hearing has been extended to the appellant. learned writ Court has failed to consider that certificate under section 65-B of the Evidence Act and CCTV footage cannot be taken into consideration while deciding punishment of the appellant. In the criminal case, the appellant has been acquitted, therefore, the order of his dismissal cannot be sustained. Hence, it is prayed that the impugned order be set-aside.

7. The appellant places reliance upon the decision rendered by Hon'ble Apex Court in the case of **Bharti Airtel Ltd. Vs. A.S.Raghavendra reported in (2024) 6 SCC 418** in support of his contentions.

8. *Per contra*, counsel for respondents/State opposed the prayer and supported the impugned order passed by the writ Court.

9. Heard the counsel for parties and perused the record appended thereto.

10. The first contention of appellant is that he has been acquitted by the competent Court after full trial and the judgment passed by the competent Court has attained finality, therefore, the judgment of competent Court is binding upon the respondents, while conducting departmental inquiry against the appellant on the same charges.



11. Hon'ble Apex Court in the case of **M. Paul Anthony vs. Bharat Gold Mines Ltd** reported in (1999) 3 SCC 679 elucidated the following principles in dealing with departmental and criminal proceedings simultaneously:

a. No bar exists on both proceedings continuing simultaneously, though in an appropriate, separate forum.

b. If said proceedings are on identical/similar facts and if the charges levied against the delinquent employee are of a serious nature, then it would be desirable if the departmental proceedings are stayed till the conclusion of the other.

c. The nature of the charge or the involvement of complex questions of law and fact depends on the facts and circumstances of each case, i.e., the offence, nature of the case launched, evidence and material collected.

d. Sole consideration of the above-mentioned factors cannot be the reason to stay the departmental proceedings.

e. It must be remembered that departmental proceedings cannot be unduly and unjustly delayed.

f. If the criminal proceedings are delayed, the other, having been stayed on account thereof, may be resumed to conclude the same at the earliest. This may result in two possibilities: either the vindication of the position of the delinquent employee or he being found guilty, enabling the department concern to show him out the door.



14.3 The view taken in **M. Paul Anthony (supra)** was referred to by this Court in **Karnataka Power Transmission Corporation Ltd. vs. C. Nagaraju** reported in (2019) 10 SCC 367 and later on in the case of **State Bank of India & Ors. vs. P. Zadenga** by judgment dated 3.10.2023 passed in Civil Appeal No.2518/2012.

12. Hon'ble Apex Court again in the case of **Nelson Motis vs. Union of India** reported in (1992) 4 SCC 711 has observed on the question as to whether departmental proceedings could have continued in the face of acquittal in criminal proceedings, had no force as "the nature and scope of a criminal case are very different from those of a departmental disciplinary proceeding and an order of acquittal, therefore, cannot conclude the departmental proceeding."

13. Same principle has been followed/laid down by Hon'ble Apex Court in the case of **State of Karnataka vs. Umesh** reported in (2022) 6 SCC 563.

14. Therefore, relying upon the aforesaid law laid down by the Hon'ble Apex Court, this Court is of the considered opinion that mere acquittal by Criminal Court would not debar an employer from exercising the power to conduct departmental proceedings in accordance with the rules and regulations. Both proceedings; criminal and departmental, are entirely different. They operate in different fields and have different objectives. On the basis of aforesaid, first contention made by the petitioner is not sustainable.



15. Apart from the above, from perusal of judgment dated 30.06.2016 passed by Additional Sessions Court No.3 Kota, Annexure P/5, it appears that the appellant and other co-accused have been acquitted after giving benefit of doubt. Therefore, their acquittal cannot be treated as honorable acquittal. But Hon'ble Apex Court in the case of **Dy.Inspector Gen.Of Police & Another vs S.Samuthiram**, reported in (2013) (1) SCC 598 has held that unless an accused has honorably acquitted in a criminal trial, as opposed to an acquittal, due to the witnesses turning hostile or for the technical reason, the acquittal shall not affect decision in the disciplinary proceedings and leave to automatic reinstatement.

16. In the instant case, the appellant has been acquitted for the offence under Section 365, 392, 34 of IPC and from perusal of judgment in the sessions trial, it appears that including the complainant Babu Singh most of the prosecution witnesses have turned hostile and the appellant has been given the benefit of doubt. Therefore, his acquittal does not come in the purview of an honorable acquittal and such acquittal shall not affect the decision in the disciplinary proceedings.

17. Another contention of learned counsel for the appellant that the departmental inquiry has been conducted against him in casual manner and he has not provided sufficient opportunity of hearing. Therefore, the sufficient opportunity of hearing be given to him.

18. The jurisdiction of High Court in a writ petition under Article 226 of the Constitution of India is to examine the decision making process rather than to act as a Court of appeal to substitute its own decisions. In the



appropriate case, if the Court finds that the decision making process is arbitrary or illegal, the Court will direct the authorities for consideration rather to substitute the decision of competent authority with that of its own.

19. In this regard, from perusal of departmental inquiry proceedings against the appellant, it appears that three charges were framed against the appellant and detailed inquiry has been conducted by the respondents wherein, the appellant has been given sufficient opportunity for filing written statement and also cross-examining the witnesses. The statements of witnesses were also found supported by documentary evidence available on record. Therefore, the appellant/petitioner has failed to prove that the departmental inquiry has been conducted against him without providing sufficient opportunity of hearing. On the basis of the departmental inquiry, the appellant has been terminated from service and therefore, the order of dismissal cannot be said to be passed by the respondent violating the principles of natural justice. In the instant case, the appellant has failed to prove that the decision making process of departmental inquiry is arbitrary or illegal.

20. It is also remarkable that the departmental inquiry has been conducted against the constable No.291 Ashok Kumar Sharma along with the petitioner and Ashok Kumar Sharma in his statement has categorically stated that the fraud and betrayal has been committed with him by SI Sultan Singh Nagar (Petitioner) and he has committed loot but he could not do anything as he was helpless and surprised. Therefore, it is clear that on the basis of statements of witnesses even from the statement of co-delinquent, it



is duly proved that the petitioner/appellant went to Kota (Raj) along with constable No.291 Ashok Kumar Sharma which is situated beyond his jurisdiction, by misusing his official position as a police officer and had looted 4072.700 gm gold from the possession of complainant Babu Singh. Complainant Babu Singh has been examined as a witness in the departmental inquiry and he has deposed against the appellant but in the cross-examination, he turned hostile. Therefore, the evidence collected in the departmental inquiry and the criminal case, both are different and looking to the over all facts and circumstances and the evidence in the case and from perusal of the impugned orders passed by concerning police authorities, it appears that the impugned orders are based upon cogent evidence available on record.

21. The Hon'ble Apex Court in the case of **State of M.P. and Others Vs. Pervez Khan (2015) 2 SCC 591**, it has been observed in para 35 that "the police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity". In the instant case, in the light of the allegation of loot and abduction and misconduct has been proved against the appellant, therefore, this court is of considered opinion that the petitioner does not deserve any sympathetic view and the punishment imposed upon the petitioner, cannot be said to be disproportionate.

22. On the basis of the aforesaid, this Court is of the considered



opinion that although the appellant has been acquitted in the criminal trial after giving benefit of doubt, but the acquittal of appellant cannot be treated as honorable acquittal. Departmental inquiry in detail has been conducted against him after following principles of natural justice and sufficient opportunity of hearing was given to the appellant.

23. In view of the aforesaid, the impugned order passed by the writ Court appears to be just and proper. Learned writ Court has not committed any illegality or any perversity while passing the impugned order. Hence, no case is made out for interference while exercising the appellate writ jurisdiction.

24. Accordingly, this writ appeal sans merits and is hereby dismissed. No order as to the costs.

(ANAND PATHAK)
JUDGE

(ANIL VERMA)
JUDGE

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