



CRM-M-11188-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11188-2024 (O&M)

Reserved on: 09.09.2025

Date of decision: 18.09.2025

GAURAV KHATRI

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Amit Rao, Advocate for respondent No.2.

KIRTI SINGH, J.

1. The prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of order dated 04.01.2024 (Annexure P-8), vide which the charges against the petitioner under Sections 354-A and 451 of IPC were quashed and the petitioner was wrongfully charge-sheeted under Section 354 of IPC. A further prayed was made seeking quashing of FIR No.163, dated 26.07.2020, registered at Police Station PGIMS Rohtak, District Rohtak, under Sections 354-A and 451 of IPC.

Factual matrix

2. The allegations levelled against the petitioner, as contained in the aforesaid FIR, are reproduced hereinbelow.

*“12. PT B.D. Sharma University of Health Sciences
Rohtak No. UHSR/CSO/2020/1740 dated 26.07.2020 To, the
SHO Police Station PGIMS, Rohtak, Sub-Lodging of FIR.1. It is*



to bring in your kind notice that two persons entered in the library of PGIMS Rohtak on dated 22.07.2020 at around 23:15 hrs. They were lates. Lates identified as Mr. Dheeraj Gulia of this institute and another one outsider Mr. Gaurav Khatri by lady doctor by watching CCTV Footage. Mr. Gaurav Khatri trespassed being an outsider by entering in the library with the bad intention. He was not entitled to enter inside the library being an outsider. He also misbehaved with a lady doctor and outraged her modesty as mentioned by the lady doctor namely xxxxxx. Report of Sexual harassment committee is hereby enclosed. 2. In view of the above you are requested to lodge FIR as desired by Worthy Director PHIME Rohtak as the earliest. SD/- Rohit Kumar Asst. Security Officer, PGIMS, Rohtak. Endst. No. UHSR/CSO/2020 dated 26.07.2020. xxxx”

3. Upon registration of the FIR, investigation was carried out and challan was presented, whereafter the learned Addl. Chief Judicial Magistrate vide order dated 02.03.2021 proceeded to frame charges against the petitioner under Sections 354-A and 451 of IPC. A petition for quashing of the order framing charges was challenged by way of petition bearing CRM-M-39235-2021 before this Court, which was allowed vide order dated 27.03.2023. Thereafter, fresh charges were framed against the petitioner under Section 354 of IPC vide order dated 04.01.2024. Aggrieved by the same, the petitioner approached this Court seeking quashing of the FIR and the impugned order dated 04.01.2024.

Submission of learned counsel for the petitioner

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR. The entire dispute pertains to an instance when the petitioner, who himself was pursuing a medical programme from a Russian University, along with his friend, visited the library of PGIMS, Rohtak, who at the relevant time, was pursuing his medical degree from that institution. It is submitted that admittedly, the



petitioner had only greeted the prosecutrix and tried to initiate a conversation, however on being declined the indulgence, the petitioner left the premises. Therefore, the ingredients of Section 354 of IPC are not made out against the petitioner. This fact can be evinced from the testimony of the prosecutrix made before the learned trial Court, relevant portion of which reads thus:

“xxx

Stated that on 22.07.2020, I was a third-year residential student of General Surgery at PGIMS. On that day, at around 11:30 PM, I was going to the library on my scooty, when a white car stopped in front of me. Since some time had passed, I do not remember the number of the car. At that moment, some voices were coming from the car, which made me angry. I looked at the car number and went into the library.

While I was studying inside the library, a boy came and sat beside me. He said "Hey" to me. I understood that he was the same person from the car. I just looked at him angrily and resumed reading. Then he said, "I want to talk to you." I replied, "I don't want to talk to you." Then he said, "I saw you on the scooty." Again, I replied, "I don't want to talk to you." Despite this, he kept trying to initiate conversation and said, "He is Anesthesia Resident." I replied, "I don't want to talk to you."

Thereafter, he left. I informed the library guard about this incident. I also submitted a written application to the Director, PGIMS, regarding this matter. The application is Ex. PW2/C xx, and my signature appears on the Point A of the same. My statement regarding the incident was also recorded before the Hon'ble Court, which is Ex PW1/A, and my signature is at Point A. I also gave a statement to the police in this regard.

xxx”

5. It is submitted that at no point in time were the allegations of assault or use of criminal force upon the prosecutrix against the petitioner levelled. Rather, the prosecutrix in her testimony before the learned trial Court stated that she does not have any complaint against the petitioner. Hence, the essentials constituting an offence under Section 354 IPC not



having been made out even *prima facie* against the petitioner, continuation of criminal proceedings against him would tantamount to the abuse of process of law.

Submissions of learned counsel for respondent No.2.

6. Learned counsel for respondent No.2 has not controverted the submission of the learned counsel for the petitioner whereby he stated that the prosecutrix did not have any complaints against the petitioner.

Submissions of learned State counsel

7. *Per contra*, learned State counsel has opposed the submissions made by the learned counsel for the petitioner. It is submitted that upon completion of investigation in the instant case a case was found to be made out against the petitioner and therefore, challan was presented against him on 06.11.2020, and subsequently, fresh charges were framed against him under Section 354 IPC vide order dated 04.01.2024.

Inference of this Court

8. Heard the submissions made and perused the judicial file.

9. The primary question for consideration before this Court is whether a *prima facie* case under Section 354 IPC, with which the petitioner was charged vide order dated 04.01.2024, is made out against the petitioner. Before proceeding to adjudicate the matter, it would be apposite refer to the concerned provision, the bare language of which reads thus:

“354. Assault or criminal force to woman with intent to outrage her modesty.—

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.”



10. A gainful reference can be made to the judgment of the Hon'ble Supreme Court passed in Criminal Appeal No.1 of 2025 titled as "***Naresh Aneja @ Naresh Kumar Aneja V/s State of Uttar Pradesh and another***", decided on 02.01.2025, wherein it was held that for a charge under Section 354 IPC to sustain, the offence must be committed against a woman and criminal force must be applied against her; and such application of force must be with the intent to outrage her modesty. Relevant paragraphs of the said judgment are reproduced hereinafter.

“12. A bear perusal of Section 354, IPC reveals that for it to apply, the offence must be committed against a woman; criminal force must be applied against her; and such application of force must be with the intent to outrage her modesty. [See: ***Raju Pandurang Mahale v. State of Maharashtra, (2004) 4 SCC 371***]

12.1 Criminal force is defined in Section 350 IPC¹¹, however, what exactly does modesty means, which is an essential aspect for this Section to apply, has not been defined so as to constitute an offence u/s 354 IPC. Any discussion on this Section is incomplete without reference to ***Rupan Deol Bajaj*** (supra) wherein the Learned Judges observed:

“14. Since the word ‘modesty’ has not been defined in the Penal Code, 1860 we may profitably look into its dictionary meaning. According to *Shorter Oxford English Dictionary* (3rd Edn.) modesty is the quality of being modest and in relation to woman means “womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct”. The word ‘modest’ in relation to woman is defined in the above dictionary as “decorous in manner and conduct; not forward or lewd; shamefast”. *Webster's Third New International Dictionary of the English Language* defines modesty as “freedom from coarseness, indelicacy or indecency; a regard for propriety in dress, speech or conduct”. In the *Oxford English Dictionary* (1933 Edn.) the meaning of the word ‘modesty’ is given as “womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct (in man or woman); reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions”.

15. ... From the above dictionary meaning of ‘modesty’ and the interpretation given to that word by this Court in ***Major Singh case*** [AIR 1967 SC 63 : 1967 Cri LJ 1 : 1966 Supp SCR 286] it appears to us that the ultimate test for ascertaining whether modesty has been outraged is the action of the offender such as



could be perceived as one which is capable of shocking the sense of decency of a woman ...”

12.2 While we hold the above observations as also the discussion made in *Major Singh* (supra) in the highest esteem and regard, it must not escape us that the observations were made in the societal context and milieu of that time and its import today should be interpreted in our present context. Reference in this regard may be made to observations by Bhat, J in *Attorney General v. Satish*¹²,

“66. ... These require an element of application of physical force, to women. The expression “modesty” was another limitation as older decisions show that such a state was associated with decorousness [*Rupan Deol Bajaj v. Kanwar Pal Singh Gill*, (1995) 6 SCC 194 : 1995 SCC (Cri) 1059] of women. This added a dimension of patriarchy and class. [Section 354 (or any other provision of IPC) does not offer a statutory definition of the term “modesty”, and over time, was interpreted broadly, contemporaneously with the developing and acknowledged role of women in society, to overcome its inherently colonial and patriarchal origins. ... One cannot be unmindful of the circumstances in which these provisions were enacted by a colonial power, at a time, when women's agency itself was unacknowledged, or had limited recognition. Further, women in India were traditionally—during the time of enactment of IPC, in the mid-Nineteenth Century—subordinated to the care of their fathers, or their husbands, or other male relatives. They had no share in immovable property; notions of gender equality were unheard of, or not permitted. Women had no right to vote. Quite naturally, the dignity of women—or indeed their autonomy, was not provided for.

67. The advent of the Constitution of India revolutionised—at least in law, all that. Regardless of gender, race, caste, religion or region, or all of the acknowledged sectarian and discrimination enabling barriers, everyone enjoyed equality of law, and equal protection of law (Article 14). Further, the provision in Article 15(1) proscribed discrimination by the State (in all its forms) on various grounds, including gender. Article 15(3) enabled the State to enact special provisions for women and children.”

12.3 Turning to the facts of the instant case, keeping in view the contents of the FIR, the statement in the final report of the investigating officer, and the statement u/s 164 CrPC of the complainant, we are of the view that even *prima facie* the ingredients as referred to supra, are not met. The record is silent with respect to the use of any force, apart from bald assertions of mental and physical discomfort caused to the complainant by the appellant.

12.4 It is well settled that for *mens rea* to be established, something better than vague statements must be produced before the court. As evidenced by the annexures referred to



above, i.e. the FIR, the preliminary investigation report as also the concluding portion of the chargesheet, no direct allegation nor any evidence in support thereof can be found attributing intent to the appellant. It cannot be said, then, that a case u/s 354 IPC is made out against the appellant.

13 to 15 Xxx

16. This Court has on numerous occasions considered the power of the High Courts to quash criminal proceedings u/s 482 CrPC. The scope thereof, therefore, does not require us to devote substantive portions of this judgment thereto. Only for the purposes of immediate reference, we take notice of a few pronouncements in this regard, other than *State of Haryana v. Bhajan Lal*¹⁷, which is recognised as the *locus classicus* on the issue.

16.1 xxx

16.2 *The scope of this power is best remembered in the words of Y.V Chandrachud J. (as his Lordship then was) writing for the Court in State of Karnataka v. L. Muniswamy*¹⁹ wherein it was observed:-

“7... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction.”

11. Reverting to the case in hand, it is the own admission of the prosecutrix as can be seen from a bare of her testimony before the learned trial Court, that the petitioner only tried initiating a conversation with her and upon her refusal to talk, the petitioner left the premises.

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12. To the considered mind of this Court, the said act, though can be seen as annoying and unwelcome, cannot be said to be such as to shock the sense of decency of a woman. Given the facts and circumstances of the case, as ascertained from the contents of the FIR and the statements of the prosecutrix, especially so when the record is silent with respect to use of any criminal force by the petitioner, even *prima facie*, the ingredients of Section 354 of IPC are not made out.

13. In view of the foregoing discussion, continuation of criminal proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, the instant petition is allowed. Present FIR No.163, dated 26.07.2020, registered at Police Station PGIMS Rohtak, District Rohtak, under Sections 354-A and 451 of IPC and the impugned order dated 04.01.2024 along with subsequent proceedings emanating therefrom are quashed and set aside.

September 18, 2025

Ithlesh

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No