



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

% *Reserved on: 03rd September, 2025*

Pronounced on: 15th December, 2025

+ **CRL.M.C. 2514/2017, CRL.M.A. 26337/2025**

RAJAN SAREEN

S/o Sh. T. R. Sareen,

403, Kirti Mahal Building, New Delhi.

.....Petitioner

Through: Ms. Aishwarya Rao, Mr. Deepak
Rathore, Ms. Mansi Rao and
Ms. Kaveri, Advocates.

versus

1. **STATE NCT OF DELHI**

2. **MS. SANGEETA NAGPAL**

D/o Late Sh . Ashok Nagpal,

R/o J-361, 2nd Floor,

Rishi Nagar, New Delhi.

3. **MS. KETAKI CHAWLA**

R/o Khasra No. 122/25/1/1,

Chawla House No.9, Main Market,

Near Aggarwal Sweets, Sant Nagar,

Burari, Delhi.

4. **MS. TANU MALIK**

R/o 45/B, Janta Flats, Phase-III,

Ashok Vihar, New Delhi.

5. **MS. AMRITA KUMARI**

R/o D-142, Goyal Farm,

Tajpur Road, Badarpur Border, New Delhi.

.....Respondents

Through: Mr. Utkarsh, APP.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA



J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf the **Petitioner/Rajan Sareen** against Order dated 16.03.2017 of learned Special Judge (PC Act) CBI-01, Delhi in *Crl. Revision No.10/2016* upholding the Order of learned MM dated 02.03.2016 qua Respondent Nos.2 to 5 discharging them for the offence under Section 187/211/406/500/506/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*). However, the Order dated 02.03.2016, insofar as it related to Respondent No. 2, was partially set aside, and Respondent No. 2 was summoned for the offence punishable under Section 506 IPC.

2. The **brief facts of the case** are that *Petitioner/Rajan Sareen* was one of the Directors of M/s Crescore Wealth Management (P) Ltd. and M/s Unor Exim Pvt. Ltd. which are registered under the Companies Act, 1956, having their registered offices at Rajindra Place, New Delhi (*both Companies are hereinafter jointly referred to as "the Company"*).

3. **Respondent No.2/Ms. Sangeeta Nagpal** joined the Company on 03.07.2013 as Executive Assistant Administrative and Business. She left the job on 03.01.2014, after settling her full and final Account with the Company. Accordingly, *No Dues Certificate* was issued by Respondent No.2, on 26.03.2014.

4. **Respondent No.3/Ms. Ketaki Chawla** joined the Company 27.01.2014 as Assistant Manager (Operation) *vide* Employment Agreement Ex.CW-1/5 Colly, on 13.02.2014. As per terms of the Agreement, she was



required to serve a minimum period of probation of six months, which could be extended, depending upon the performance of the employee. As per her duties, she was handed over confidential data of the Company, which included all information, whether written or oral, concerning the business activities, financial affairs, trade secret, technology or otherwise related to the Company, its customers, clients, suppliers and other business entities with whom the company was doing business.

5. In terms of employment Agreement, it was agreed that she would hold such confidential information in trust and confidence and shall not disclose the same for his/her own benefit or for benefit of any other party. Various undertakings were also signed by her in that employment Agreement. It was also provided that if she would be found committing the breach of confidentiality, she would accept legal action. She signed two Bonds dated 08.02.2014 and 09.05.2014, Ex. CW-1/6 & CW-3/2 respectively, to serve the Company for one year including three months training.

6. However, she tendered her resignation from the services in the Company *vide* e-mail dated 13.06.2014 and did not come personally to hand over the documents and materials received by her during her employment. However, she admitted in e-mail dated 07.04.2014 that the said material/documents are in her possession and she had organized the same.

7. It came to the knowledge of the Petitioner, being the Director of the Company that she had taken away important data of clients, important files, documents, which had been entrusted / handed over to her during the course of her employment with the Company. On 08.07.2014, Preet Kaur, Employee of the Company, reported that she had checked Operation's System M/s Unor Exim, where Respondent No.3/Ms. Ketaki Chawla used to



sit earlier and found that all the emails sent and conversation which happened from her system/outlook during her unauthorized absence, had all been deleted.

8. On 14.06.2014, a Complaint, Ex.CW-3/3 was lodged with the SHO, P.S. Prasad Nagar, Delhi against Respondent No.3/Ms. Ketaki Chawla, was accordingly, made.

9. Respondent No.3 was served with legal Notice dated 27.06.2014 by the Petitioner, to return the data of clients, important-files, documents, etc. She was asked to deposit a sum of Rs.50,000/- for violating the terms and conditions of her employment, despite which she did not comply with the said legal Notice. It is further submitted that despite several requests to Respondent No.3 by the Sr. Business HR & Admin to report to the office, she deliberately and intentionally avoided resuming her job on one pretext or the other.

10. The Company was constrained to file a Suit for Recovery against Respondent No.3.

11. After receiving Legal Notice, she joined hands with other respondents and lodged false and frivolous Complaints against the Petitioner.

12. It is further submitted that Respondent No. 4/Ms. Tanu Malik joined the Company on 04.06.2013 at the post of Business HR & Administration, but resigned on 13.01.2014, i.e. barely after six months. It was alleged that all the Respondents had taken away important data of clients, important files, documents, which were entrusted to them during their course of employment, which they failed to return.



13. Petitioner filed a *Complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “NI Act”)* against the Respondents.

14. Petitioner asserted that these Respondents filed false Complaint and got four FIRs No.294/14, 295/14, 296/14, 297/14, registered against him. It is claimed that Respondent No.2/Sangeeta Nagpal came to the office of the Company on 28.04.2014 and indirectly threatened the Petitioner in the presence of his office staff, that in case the Petitioner or his Company pursued any legal action against Respondent No.4/Tanu Malik, then they all would join hands and would teach a lesson to the Petitioner by making a false Complaint of molestation and sexual harassment in the Police Station.

15. *On 20.11.2014, the Petitioner filed an Application under Section 156(3) Cr.P.C., which was declined by the learned Trial Court on 24.11.2014. However, the said Application was treated as a Complaint under Section 200 Cr.P.C. and the matter was adjourned for recording of pre-summoning evidence of the Complaint.*

16. In the pre-summoning, the Petitioner examined **CW-1 Ms. Preet Kaur, CW-2 Ms. Sonia Gupta** and **himself as CW-3**. They all deposed on the similar lines, as the averments made in the Complaint.

17. Learned MM in **Order dated 02.03.2016** noted that no offence was made out under Sections 182/211 IPC. Further, it was held that no offence was made out under Section 406 IPC, as there was no entrustment of data, which was given during their employment to respective Respondents. Likewise, it was observed that no offence was made out under Sections 500/506/34 IPC, on the basis of the pre-summoning evidence led by the



Petitioner. **Therefore, the Complaint was dismissed under Section 200 Cr.P.C.**

18. Aggrieved by the aforesaid dismissal, Petitioner filed Criminal Revision No.10/2016 before learned ASJ, who, *vide* detailed **Order dated 16.03.2017**, concurred with the observations of the learned MM qua Respondent Nos.2 to 4, but **directed summoning of Respondent No.2/ Sangeeta Nagpal for offence under Section 506 IPC.**

19. *Aggrieved by the impugned Order of learned ASJ dismissing the Complaint against all the Respondents for all the offenses (except Respondent No.2 who has been summoned under Section 506 IPC), present* Petition has been filed by the Petitioner challenging the Order on the **ground** that genuine grievances have not been addresses and have been completely overlooked in a mechanical and insensitive manner.

20. It is submitted that the Petitioner is a victim at the hands of the Respondents, as they all collectively conspired and made false and baseless allegations against him, thereby committing criminal offences.

21. It has not been considered that various documents and other evidence have been produced by the Petitioner during pre-summoning evidence, which clearly establish the prima facie offence under Sections 416/500/506/34/120B IPC against Respondent Nos.2 to 5 despite which they were not summoned.

22. The Order of learned MM and the Order of learned ASJ to the extent it has upheld the Order of MM, is liable to be set aside and FIR under Sections 406/500/506/34/120B IPC, is liable to be registered.

23. The pre-summoning evidence of the witnesses and their exhibited documents, have been completely overlooked. Learned Trial Court



erroneously arrived at a conclusion that no offence is made out, while it was a matter of trial to examine the evidence on record as to whether the offence is made out or not.

24. Petitioner has further asserted that while Respondents were in the employment of the Company, they never made any allegation of sexual harassment against the Petitioner. It has been completely overlooked that even in the Resignation letters sent by Respondents No.3 to 5 through e-mail, there was no allegation whatsoever, regarding any kind of sexual harassment against the Petitioner or any other employee of Company.

25. It is further asserted that Respondent No.2/Sangeeta Nagpal had come to the Petitioner's office on 28.04.2014 and indirectly threatened him in the presence of his office staff, to desist from pursuing the legal action against Respondent No.4/Tanu Malik and that they have joined hands to get false FIRs registered on the Complaints of Respondent Nos. 2 to 5, by making allegations of molestation and sexual harassment, which is nothing but a counter-blast to the Civil Suit initiated by the Petitioner against Respondent No.4/Tanu Malik in the District Court. It is asserted that all the ingredients viz. entrustment, demand and not returning their data / documents to the Company despite demands, prove *prima facie* offence under Section 406 IPC, despite which they have not been summoned for the said offence.

26. Furthermore, the Respondents have been filing false complaints, which are being spread in the business circle staff and friends of the Petitioner, causing huge loss to Petitioner's reputation, causing him immense mental trauma, agony, harassment and he is a victim of defamation at the hand of the Respondents. *Prima facie* offence under Section 500 IPC was made out for which Respondents should have been summoned.



27. It is further claimed that *prima facie* offences under Sections 182/211/406/500/506/34/120B IPC were made out.

28. It is asserted that the learned Trial Court exaggerated the minor contradictions in the testimony, which are natural if the witnesses are not tutored ones. It has been erroneously held that these are major contradictions, to disbelieve the evidence of the witnesses.

29. Reliance is placed on Nagawwa vs. Veeranna Shivalingappa Konjalgi, 1976 Law suit (SO) 189; M. N. Damani vs. S. K. Sinha & Ors., AIR 2001 SC 2037; Balraj Khanna & Ors. vs. Moti Ram, AIR 1971 SC 1389 and the Order passed by this Court in Crl. Rev. Petition No. 16/2008 titled as Tata Motors Ltd. vs. State, wherein it has been held that at the stage of summoning, all that the MM was required to do was to form an opinion whether on the basis of complaint and pre-summoning evidence, *prima facie* case was made out for taking cognizance and summoning persons against whom the complaint was filed for offences mentioned in the complaint.

30. Learned ASJ has also erred in not appreciating the evidence, regarding various e-mails which show that Respondent No.3/Ms. Ketaki Chawla did not return the data which was in her possession; rather had deleted all data and e-mails from her computer. Therefore, learned ASJ committed an error in observing that no offence under Section 406 IPC was made out.

31. It is therefore, submitted that impugned Order of learned MM dated 02.03.2016 and that of learned ASJ dated 16.03.2017 be set aside and the Respondents be summoned for the offences under Sections 182/211/406/500/506/34/120B IPC.



32. Status Report has been filed on behalf of the State wherein it has been submitted that four *FIR Nos.0294/2014, 0295/2014, 0296/2014 and 0297/2014, all under Sections 354/354A/509 IPC* were registered at Police Station Prasad Nagar, Delhi, on Complaints of four ladies made against the accused Rajan Sareen, for having insulted their modesty. Statements of Complainants were recorded under Section 164 Cr.P.C. The evidence has been collected. CDRs of mobile phone of accused had been obtained and CCTV camera footages of Petitioner's Officer were also obtained and examined.

33. It has been found during investigations, that Complainants were ex-employees of the accused, who had resigned from the Company. The accused had been granted bail by this Court, in all aforesaid FIRs. The Chargesheets in aforesaid four FIRs have been filed before the learned MM on 26.05.2015 and the cases are pending trial.

Submissions heard and record perused.

34. The Petitioner/Rajan Sareen herein has essentially challenged the Summoning Order dated 16.03.2017 of learned ASJ who has upheld the Order of the learned MM dated 02.03.2016, whereby all the Respondents have been discharged for offences under Sections 182, 211, 406, 500, 506 read with Sections 34 and 120B IPC, except *Respondent No.2/Sangeeta Nagpal who has been summoned for the offence under Section 506 IPC*.

35. The *main grievance of the Petitioner* is that the Respondents were all employees in the Company, in which the Petitioner was a Director. After leaving their job with the Company, they ganged up together to make Complaints of sexual harassment against the Petitioner, which has resulted



in registration of four FIRs. It is claimed that those FIRs are *malafide* and motivated. Whether the four FIRs registered against the Petitioner were *malafide* or not, is not the subject matter of the present Complaints and, therefore, his contentions in respect of the FIRs is not relevant for the purpose of present Petition.

36. The Petitioner has filed Criminal Complaint on 20.11.2014 (*Section 156(3) Cr.P.C. Application treated as a Section 200 Cr.P.C. Complaint*) against the Respondents for various offences of data theft, etc. punishable under Sections 182, 211, 406, 500, 506 read with Sections 34 and 120B IPC. The question for determination is *whether the respondents have been rightly discharged by the learned MM, whose Order has been upheld except for the offence under Section 506 IPC against Ms. Sangeeta/Respondent No.2.*

Offences under Sections 182 and 211 IPC:

37. **Section 182 IPC** pertains to giving false information to a public servant, with an intent to cause him to use his lawful power to the injury of another person. **Section 211 IPC** deals with instituting criminal proceedings falsely with intent to injure. These allegations are essentially in the context of the aforementioned FIRs, but at this stage there is nothing to conclude that they are intended to cause injury to the Complainant or are motivated to cause injury. Unless there is any finding to this affect by the Police or the Court, no offence under these Sections, is made out.

38. Furthermore, both these offences fall within the ambit of Section 195 Cr.P.C., which mandates that cognizance can only be taken upon a Complaint in writing made by the public servant concerned or the Court.



39. *In the present case*, admittedly no such Complaint has been filed by any public servant or by any Court. ***Since, there was no such Complaint, it was held that no offence under Section 182/211 IPC was made out.***

Offence under Section 406 IPC:

40. The Petitioner's has contended that Respondents No. 3, 4 and 5, being employees, were entrusted with confidential data, documents and files during their employment, which they failed to return despite demands and in breach of their employment Agreements. Section 406 IPC requires proof of entrustment of property, dishonest misappropriation or conversion of such property, and violation of a legal direction. The learned ASJ examined the pre-summoning evidence and concluded that there was insufficient material to establish *prima facie* "entrustment" in the manner contemplated under Section 405/406 IPC. It was rightly noted that the data or the documents that were in possession of the Respondents, were during the course of their employment and remained in their possession only in connection with their official duties, particularly when there is no clear evidence of dishonest intention or conversion for personal gain.

41. Thus, from the evidence of the Complainant/Petitioner as CW-3 and his supporting witnesses, ***no offence prima facie was made out under Section 406 IPC.***

Offence under Section 500 IPC:

42. The Petitioner has alleged that the Respondents filed false complaints which damaged his reputation in business circles and amongst his friends



and staff. However, the learned MM examined the pre-summoning evidence and found no *prima facie* case of defamation made out.

43. For defamation to be established, it must be shown that imputations were made with the intention of harming reputation or with knowledge or reason to believe that such imputations would harm reputation. Mere filing of Complaints, even if later found to be false, does not automatically constitute defamation, particularly when such Complaints are made to authorities in the due course of law.

44. The appreciation of evidence by the learned MM as well as learned ASJ on this count, reveals no perversity warranting interference, ***no offence under Section 500 IPC is made out.***

Offence under Section 506 IPC:

45. The learned ASJ held that there was sufficient *prima facie* material to show that Respondent No. 2/Sangeeta Nagpal had threatened the Petitioner on 28.04.2014 at his office, in the presence of office staff. The evidence of the Petitioner as CW-3 and the corroborative testimony of CW-1 and CW-2 established a *prima facie* case that she threatened to make false complaints of molestation and sexual harassment, if the Petitioner pursued legal action against Respondent No. 4/Tanu Malik. Thus, the ***learned ASJ has rightly summoned only Respondent No. 2 for offence under Section 506 IPC.***

Conclusion:

46. There is no infirmity in the Order of the learned ASJ and no *prima facie* case for summoning of the Respondents for the offences under Section 182/211/406/500/506/34/120B IPC has been made out against any



Respondents except Respondent No.2/Sangeeta Nagpal who has been rightly summoned under Section 506 IPC.

47. There is no infirmity in the impugned Order dated 16.03.2017 of learned ASJ in upholding the Order dated 02.03.2016 of learned MM. The Petition is hereby, **dismissed**.

48. The Petition along with pending Applications, stand disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 15, 2025/R/va