

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. \_\_\_\_\_ OF 2024  
[@ SPECIAL LEAVE PETITION (CRL.) NO. 5905/2022 ]**

**K. DHANANJAY**

**Petitioner(s)**

**VERSUS**

**CABINET SECRETARY & ORS.**

**Respondent(s)**

**ORDER**

Leave granted.

The appellant was an employee of Indian Institute of Astrophysics (Autonomous Institute under the Department of Science and Technology, Govt. of India) in Bangalore. Challenging his dismissal from service, he had filed a petition before the Central Administrative Tribunal at Bangalore Bench.

Meanwhile, the appellant wanted to peruse certain documents, for which permission was given to him. While he was inspecting the documents in the office of Respondent No. 5 - Ms. A. Thomeena, Deputy Registrar,

Central Administrative Tribunal at Visveswarayya Kendriya Bhawan, Bangalore, it was alleged that the appellant assaulted the officers and therefore, a case was lodged against him under Sections 353/506 of the Indian Penal Code. His petition for quashing the proceedings has been dismissed and he is before this Court.

Vide order dated 27.08.2024, this Court issued notice to the respondents, including Respondent No. 5 – Ms. A. Thomeena, but no one has entered appearance on behalf of the respondents despite due service.

We have now perused the copy of the complaint which was given by Respondent No. 5 – Ms. A. Thomeena, Deputy Registrar to the Inspector of Police, Ulsoor Police Station, Bangalore. The same reads as under :-

*“Sir,*

*Today at 3.05 PM, we had one incident in our office. One Shri Dhananjay who had been a party to the proceedings before us had filed a complaint before the Chief*

*Information Commission seeking certain documents. The CIC vide order No. CIC/CAD/MT/A/2018/611756/SD dated 01.07.2019 and asked us to give some documents. We had kept every document ready and asked him to come and get it and inspect the document which he wanted.*

*But apparently he wanted some other documents also which we felt had nothing to do with the order of the CIC. Therefore, being an official document, we had refused. Thereupon he started shouting and threatening us. At that time Smt. Rajashri, CPIO, Smt. Rekhashree, who is my PS, and Smt. Geetha who is an MTS were in the room. He threatening and shouted at them and disrupted the work of the office. Hearing the shouts and cries, people around gathered and I had immediately informed the police.*

*Kindly take necessary action.”*

It is on the basis of the above complaint that an FIR has been lodged against the appellant. However, the only allegation against the appellant in the said complaint is that he was shouting and threatening the

staff. This itself will not amount to any assault.

Assault is defined under Section 353 of the Indian Penal Code as under :-

**“353 Assault** - *Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.”*

We have reproduced the entire complaint hereinabove. On perusing the same, we find that none of the ingredients, as mentioned in Section 353 IPC, is reflected in the complaint letter. In other words, no offence under Section 353 IPC is made out in this case. The High Court, to our mind, has committed a mistake in not interfering in this case. This is a case which is nothing but an abuse of the process of law and therefore, in order to meet the ends of justice, we allow this appeal and quash the entire proceedings initiated against the appellant.

With the above observations and directions, the appeal is allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....**J.**  
**[ SUDHANSHU DHULIA ]**

.....**J.**  
**[ AHSANUDDIN AMANULLAH ]**

**New Delhi;**  
**OCTOBER 21, 2024.**

ITEM NO.35

COURT NO.15

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 5905/2022

(Arising out of impugned final judgment and order dated 26-11-2021 in WP No. 11426/2020 passed by the High Court Of Karnataka At Bengaluru)

K. DHANANJAY

Petitioner(s)

VERSUS

CABINET SECRETARY &amp; ORS.

Respondent(s)

Date : 21-10-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UPON hearing the petitioner-in-person the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed  
of.

(JAYANT KUMAR ARORA)  
ASST. REGISTRAR-CUM-PS

(RENU BALA GAMBHIR)  
COURT MASTER

(Signed order is placed on the file)