17 Ct. Cases 9/1C/2013 515362/2016
S.K SAXENA Vs. BHARTI SHARMA
PS: Civil Lines

01.08.2026

Present: Sh. M.Y. Khan, Ld. counsel for the complainant along with the complainant.

Sh. Anuj Aggarwal, Ld. counsel for the accused along with the accused.

Final arguments heard.

Put up for judgment on 28.09.2026.

(Kartik Taparia)
JMFC-06(C)/THC/Delhi/01.08.2026

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24 Ct. Cases 9/1C/2013 515362/2016
S.K SAXENA Vs. BHARTI SHARMA
PS: Civil Lines

28.09.2026

Present: Sh. Rajinder Kumar, Ld. APP for the State.

Complainant in person.

Ms. Kritika, Ld. proxy counsel for the accused through VC.

Accused in person.

Vide separate judgment of the even date announced in the open court, the accused persons are hereby acquitted for the offence U/s 500 IPC.

Bail bonds and surety bond of the accused are hereby discharged as per rules. All the original documents be released to their respective owners. Endorsement, if any, shall be cancelled.

File be consigned to the record room after due compliance.

(Kartik Taparia)
JMFC-06(C)/THC/Delhi/28.09.2026

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IN THE COURT OF SH. KARTIK TAPARIA,
JUDICIAL MAGISTRATE FIRST CLASS– 06, CENTRAL
DISTRICT, TIS HAZARI COURTS, DELHI

Ct. Case No. 515362/2016
PS – Civil Lines
U/s –500 IPC
S.K. Saxena Vs. Bharti Sharma

J U D G M E N T

(a)	Complaint Case No.	**515362/2016**
(b)	CNR No.	DLCT02-001142-2013
(c)	Date of commission of offence	Date not mentioned
(d)	Name of the complainant	**S.K. Saxena**, S/o Late Sh. S.S. Saxena R/o BU-55, SFS Flats, Pitampura, Delhi.
(e)	Name of the accused person(s), his parentage and residence	**Ms. Bharti Sharma** D/o Sh. Satpal Sharma R/o PP-63, Maurya Enclave, Pitampura, Delhi-110034.
(f)	Offence(s) complained of or proved	Section 500 IPC
(g)	Plea of the accused	Pleaded not guilty
(h)	Final Order	**Acquitted.**
(i)	Date of institution of case	25.03.2013
(J)	Date of judgment	**28.09.2026**

Brief facts of the case

1. The brief facts of the case as per the complaint are that the complainant is the Principal of Rukmani Devi Jaipuria School, situated at 23-25, Rajpura Road, Delhi-110054, while the accused is working as Teacher in the said school. That the Disciplinary Committee of the school served a charge-sheet dated 07.03.2013 upon the accused due to her misconduct. That

a domestic inquiry was initiated against the accused, and the Inquiry Officer was forced to close the same due to abnormal circumstances created by her. That in the Domestic Inquiry dated 19.10.2012, during the cross-examination of the complainant, the accused instead of cross-examining him started his and his wife's character assassination. That the accused was not allowing the Inquiry Officer to continue with the inquiry as she created a hostile atmosphere. She openly threatened to implicate everyone in false cases. That on 28.02.2013, during the course of inquiry, the accused again created an ugly scene. She openly accused the complainant in filthy language when the complainant was not even present. She tarnished the reputation of the complainant in the eyes of other school teachers and staff members. That on 15.01.2023, the accused filed a false complaint against the complainant in the State Commission for Women, Delhi. That somebody from the students or any other person at the instigation of the accused has written abusive slogans in the name of the complainant on all the walls of the class rooms. The complainant led his PSE, and on the basis of the same, the accused was summoned vide order dated 12.07.2017.

The Notice and Plea of Accused Person

2. On finding a prima facie case to proceed against the accused, a notice was framed against her vide order dated 05.11.2022, to which she pleaded not guilty and claimed trial.

Pre Summoning Evidence

In order to prove his case, the complainant has examined himself as CW-1 in his Pre-Summoning Evidence. He also got himself examined as CW-1 in his Post Notice Evidence.

3. The P.S.E. was closed on 28.08.2014 and the accused was summoned.

Post Notice Evidence

4. As already stated above, in the Post Notice Evidence, the complainant examined him as CW-1, and he was also cross-examined by Ld. Counsel for the accused.

5. The complainant closed his Post Notice Evidence vide order dated 23.03.2024. Accused was examined u/s 313 Cr.P.C., wherein all incriminating evidence was put to her. The accused submitted that she is innocent and has been falsely implicated in the present case.

6. Prior to delving into the merits of the present case, it is relevant to discuss the testimonies of the witnesses.

Evidence of the Witness.

7. CW1: Sh. S.K. Saxena has deposed that he was working as Principal of Rukmani Devi Jaipuria Public School, 23, Rajpur Road, Delhi for the last many years. His main responsibility was to maintain the academic and disciplinary atmosphere in the school. Accused (Mrs. Bharti Sharma) was working there as PRT (Assistant Teacher) and was teaching primary classes at that time. She started creating a lot of nuisance in the school in the form of coming late to school, not performing duties which she was supposed to perform as a teacher, not properly checking the copies, arguing with the parents and colleagues including him on any reason. She started abusing him and his wife (Principal at that time in different

schools) even publicly. She was damaging the school property. Because of lot of indiscipline, she was charge-sheeted by the school management, and a Disciplinary Committee was constituted to find out about the charges.

8. After which, an inquiry was set up for which Sh. N.P.Vaish, an outsider was appointed as Inquiry Officer. During the course of inquiry, she used to waste too much time in writing and arguments instead of giving proper reply just to avoid the inquiry. The complainant was a witness in the D.E. and during his cross-examination, she was given nine opportunities to cross-examine him. Instead of cross-examining the witness, she used to abuse him and his wife, and indulge in wasting time by writing on the inquiry proceedings. In one of the incidents on 20.02.2013, when inquiry was in process, she suddenly stood up and called the police, and were going to close the main door of the inquiry room, which used to remain open during the inquiry. Police came after some time, and inquired from her about the incident, to which, she said that she did not want any action. She made a complaint against the complainant and his management representative of inquiry in DWC Delhi. During the course of the said inquiry, members of DWC gauged that she was trying to misuse DWC, hence, she was scolded by M.S. DWC, and the inquiry was closed. She disfigured the school corridor by either writing by herself or through students against the complainant and his wife in an abusive language. The photograph in this regard is Ex.PW1/1 (Colly.). In this regard an inquiry was conducted, a report was given to her,

and she was terminated by the school management in the month of March, 2013. The inquiry report is Ex.PW1/2 and the decision of the Committee is Ex.PW1/3. He was cross-examined at length by Ld. counsel for the accused in the post notice evidence.

This is the entire evidence on case record.

ARGUMENTS

9. Learned counsel for the complainant has argued that the testimonies of the complainant has established guilt on the part of accused and that she be convicted for offence under Section U/s 500 IPC. Ld. Counsel for the accused has argued that the complainant has failed to disclose the words uttered by the accused, which tarnished the image of the complainant and defamed him. It is further submitted that in the absence of disclosure of the said words, the offence U/s 500 IPC not made out. It is further submitted that the complainant has also not been able to prove the words as written on the walls of the classrooms, were written at the instance of the complainant, and that they were written against the complainant. It is further argued that there is no eye-witness to prove that the accused tarnished the image of the complainant publicly. Hence, it is submitted that the accused be acquitted for the offence for which she has been charged.

Analysis

10. In order to prove his case against the accused, the complainant Sh. S.K. Saxena stepped into the witness box twice, firstly during Pre-Summoning Evidence and later during Post Notice Evidence. Apart from CW-1 complainant, there is not other witness in the present case.

11. In essence, the complainant has alleged that the accused has tarnished his image as well as the image of his wife in front of his students, colleagues and friends, thereby defamed him by doing the following acts :-

a) By doing the character assassination of the complainant and his wife in the inquiry against the accused and otherwise publicly;

b) By threatening the complainant of implicating him in false case;

c) By using filthy language against the complainant in the inquiry on 28.02.2013; and

d) By instigating her students or otherwise to write abusive slogans against the complainant on the walls of the classrooms.

12. I have gone through the material available on record as well as the testimonies of the complainant which is recorded twice. On the basis of the aforesaid material, the Court has reached upon the following findings :

a) The complainant has failed to reveal the exact words as uttered by the accused, which allegedly lowered the prestige of the complainant in front of his colleagues, students etc. In the absence of the exact words alleged to be uttered by the complainant, the Court cannot determine if the said words were defamatory in nature and attract the punishment U/s 500 IPC.

b) The complainant has failed to call any eye-witness in the court to prove his allegations. As per the complaint, on 28.02.2013 during the inquiry, the accused openly used filthy language in the absence of the complainant. The same implies

that someone told the complainant about the incident. It further implies that the evidence of the complainant in this regard is hearsay. The complainant has failed to call the person who was present in the meeting and actually heard the accused utter defamatory words.

c) Lastly, the complainant has failed to prove that the abusive slogans as written on the walls of the classrooms were written at the instance or the instigation of the accused. There is no eye-witness who has deposed that he had seen the accused instigating the students. Even the complainant has not personally seen the accused instigating the students. The allegation stems out merely from suspicion and surmises, which is not sufficient to convict the accused. Further, in his cross-examination, it is deposed by the complainant that there was one more staff namely, Ms. Parul Saxena and students who carry the surname **'Saxena'.** In such circumstances, it can also not be proved that the words as written on the walls of the classrooms were written against the complainant, as the first name of the recipient of the expletives is not mentioned in the photographs of the alleged slogans.

13. In view of the discussion held above, I hold that there is complete lack of evidence to prove that the accused in any way defamed the complainant. The lack of independent eye witnesses, though they were available and known to the complainant also goes to the root of this case. Accordingly, I hold that the complainant has not been able to prove his case against the accused. Hence, accused Bharti Sharma is hereby acquitted for the offences u/s 500 IPC.

14. The bail bonds, if any, furnished by the accused at the time of commencement of trial stand cancelled. Documents, if any,

shall be returned to its rightful owner as per rules. Endorsement, if any, stands cancelled. Case property, if any, shall be disposed of as per rules after expiration of period to assail this judgement and in case of appeal, as per the directions of Ld. Appellate Court.

15. File be consigned to record room after due compliance.

This judgment consists of 8 signed pages.

Announced in open Court today on 28.09.2026.

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(KATRIK TAPARIA)
JMFC-06(CENTRAL)/THC/DELHI
28.09.2026