

Madhushree Datta versus The State of Karnataka and ors

- ❖ **TOPIC :** Attempt To Transform Civil Dispute Into Criminal Matter', Supreme Court Quashes Workplace Harassment Case
- ❖ **BENCH:** Justices Dipankar Datta and Prashant Kumar Mishra
- ❖ **FORUM:** Supreme Court
- ❖ **FACTS**
 - The case where the complainant alleged that the appellants had forcibly demanded her resignation under the threat of dismissal, confiscated her belongings, and physically and verbally harassed her.
 - She also claimed that her intellectual property stored on the company's laptop was unlawfully seized.
 - The complaint was filed against the appellants for offenses under Sections 323 (voluntarily causing hurt), 504 (intentional insult to provoke breach of peace), 506 (criminal intimidation), 509 (insulting modesty of a woman), and 511 (attempt to commit an offense) of the Indian Penal Code.
 - Aggrieved by the High Court's refusal to quash the criminal proceedings, the Employees of the Company appealed to the Supreme Court.
- ❖ **MAIN ISSUE**
 - Whether a workplace harassment case filed by a female employee against her colleagues can be quashed or not.
- ❖ **OBSERVATION**
 - The Supreme Court quashed a workplace harassment case filed by a female employee against her colleagues, observing that the allegations arose from employment disputes that had been exaggerated into a criminal matter.
 - Setting aside the High Court's decision, the judgment authored by Justice Datta observed that the Appellants were wrongly arrayed as accused as the ingredients of the aforementioned offences were not satisfied in the complaint.
 - The Court noted that the proceedings against the appellants were a deliberate "attempt to reclassify the nature of the proceedings from non-cognizable to cognizable or to

transform a civil dispute into a criminal matter, potentially aimed at pressurizing the appellants into settling the dispute with the complainant.

- The Court noted that "the criminal proceedings were initiated by the complainant against the appellants with mala fide intentions, specifically to wreak vengeance, cause harm, or coerce a settlement."
- Accordingly, the Court allowed the appeal and quashed the pending criminal case against the Appellants.

❖ **IMPORTANT PROVISION DISCUSSED**

- Section 323 (Voluntarily causing hurt)
- Section 504 (Intentional insult to provoke breach of peace)
- Section 506 (Criminal intimidation),
- Section 509 (Insulting modesty of a woman),
- Section 511 (Attempt to commit an offense)

Central Bank of India versus Smt. Prabha Jain & Ors

- ❖ **TOPIC :** Order VII Rule 11 CPC | Complaint With Multiple Reliefs Cannot Be Rejected Just Because Some Reliefs Are Barred : Supreme Court
- ❖ **BENCH:** Justices JB Pardiwala and R Mahadevan
- ❖ **FORUM:** Supreme Court
- ❖ **FACTS**
 - A case under the SARFAESI Act in which the plaintiff sought three reliefs in a suit filed before the Civil Court.
 - Two of the reliefs, concerning ownership and title over the suit property used as collateral for a bank-sanctioned loan, were not barred by law, and the Civil Court had jurisdiction to decide on them.
 - However, the third relief, which pertained to the restoration of possession under Section 17 of the SARFAESI Act, was barred by law, as such an application must be filed before the Debt Recovery Tribunal (DRT), not the Civil Court.
- ❖ **MAIN ISSUE**
 - Whether the complaint can be partially rejected or not under Order VII Rule 11 of CPC.
- ❖ **OBSERVATION**
 - The Supreme Court observed that when a Complaint includes multiple reliefs, it cannot be

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rejected solely because one of the reliefs is barred by law, as long as the other reliefs remain valid.

- According to the Court, the plaint cannot be partially rejected under Order VII Rule 11 of CPC.
 - The Court stated that while the Civil Court's jurisdiction could not be invoked to grant the third relief, this would not prevent the Civil Court from addressing the first two reliefs.
 - In other words, the plaint cannot be rejected under Order VII Rule 11(d) of the CPC merely because the third relief is barred by law, as long as the other reliefs remain within the court's jurisdiction for adjudication.
 - "Hence, even if one relief survives, the plaint cannot be rejected under Order VII, Rule 11 of the CPC. In the case on hand, the first and second reliefs as prayed for are clearly not barred by Section 34 of the SARFAESI ACT and are within the civil court's jurisdiction
 - Hence, the plaint cannot be rejected under Order VII Rule 11 of the CPC.", the court observed.
- ❖ **IMPORTANT PROVISION DISCUSSED**
- Order VII Rule 11 CPC empowers a court to reject a plaint at the initial stage if it appears, based on the information provided in the plaint itself, that the suit is not maintainable due to reasons like lack of cause of action, being barred by law, or having significant procedural errors, essentially allowing the court to summarily dismiss a case that is clearly without merit at the outset.

M/S Vidyawati Construction Company versus Union of India

- ❖ **TOPIC :** S. 16 Arbitration Act | Challenge To Arbitral Tribunal's Jurisdiction Impermissible After Submitting Statement Of Defence : Supreme Court
- ❖ **BENCH:** Justices Abhay S Oka and Ujjal Bhuyan
- ❖ **FORUM:** Supreme Court
- ❖ **FACTS**
 - A case in which the respondent had objected to the jurisdiction of the Arbitral Tribunal after submitting its statement of defence.

- The Arbitral Tribunal rejected the objection and subsequently passed an award.
- However, the District Judge set aside this award, and this decision was upheld by the Allahabad High Court.
- Taking reference to Section 16(2) of the Arbitration & Conciliation Act, 1996 ("Act"), the Appellant argued that the High Court erred in affirming the District Judge's decision to set aside the arbitral award.
- The Appellant contended that by accepting the appointment of the sole arbitrator and being allowed to modify its statement of defence, the Respondent waived its right to challenge the tribunal's jurisdiction after the statement of defence had been filed.

❖ **MAIN ISSUE**

- Whether the jurisdiction of the arbitral tribunal can be challenged or not after the submission of the statement of defence.

❖ **OBSERVATION**

- The Supreme Court affirmed the principle that the jurisdiction of the arbitral tribunal cannot be challenged after the submission of the statement of defence. Accordingly, the Appeal was allowed.
- Setting aside the High Court's decision, the judgment authored by Justice Oka observed that it would be impermissible for the Respondent to submit the objection to the tribunal's jurisdiction belatedly after submitting its statement of defence.
- "Hence, there is a clear bar on raising a plea of the lack of jurisdiction of the Arbitral Tribunal after submission of the statement of defence. Therefore, after 14th February, 2004, the respondent could not have objected to the jurisdiction of the sole Arbitrator.
- Hence, the objection raised by way of an application dated 24th April 2004 was rightly rejected by the learned Arbitrator by the order dated 20th October, 2004."
- "In view of the respondent's conduct and sub-Section (2) of Section 16 of the Arbitration Act, Sections 34 and 37 Courts were not right in upholding the respondent's objection to the jurisdiction of the Arbitral Tribunal. Therefore, the impugned judgments cannot be sustained.", the court added.

❖ **IMPORTANT PROVISIONS DISCUSSED**

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- Section 16 Arbitration Act gives the arbitral tribunal the power to decide if it has the authority to hear a dispute. It also allows the tribunal to rule on any objections to the arbitration agreement.

Baban Shankar Daphal & Ors. V. The State of Maharashtra

- ❖ **TOPIC:** Testimony Of Witness Shouldn't Be Discarded Merely Because Of Relation With Victim : Supreme Court
- ❖ **BENCH:** Justices Vikram Nath and Prasanna B. Varale
- ❖ **FORUM:** Supreme Court
- ❖ **FACTS**
 - A criminal appeal, preferred by the present accused / appellant against murder conviction.
 - As per the allegations, the accused had animosity with the deceased due to a property dispute.
 - This led to an attack on the deceased and he succumbed to his injuries.
 - Initially, the Trial Court acquitted all the accused of the charges as it found the witness' testimonies unreliable.
 - It also pointed out the discrepancies between the medical evidence and the eyewitness.
 - Though according to the eyewitnesses, the victim was struck multiple times on the head, however, the same was not mentioned in the medical report.
 - Notwithstanding these findings, this verdict was reversed by the High Court.
 - The Court observed that the Trial Court had overly focused on minor inconsistencies and had overlooked the overall credibility. Thus, the appellants approached the Apex Court.

❖ **MAIN ISSUE**

- Regarding testimony of witness in respect to relation with victim.

❖ **OBSERVATION**

- The Supreme Court observed that being a victim's close relative does not automatically make a witness "interested" or biased. Distinguishing between an interested witness and a relative witness, the Court said.
- In view of this, the Court upheld the High Court's judgment and concluded that the evidence produced clearly established the accused's guilt beyond a reasonable doubt.
- "The term "interested" refers to witnesses who have a personal stake in the outcome, such as a desire for revenge or to falsely implicate the accused due to enmity or personal gain.
- A "related" witness, on the other hand, is someone who may be naturally present at the scene of the crime, and their testimony should not be dismissed simply because of their relationship to the victim."
- At the outset, the Court agreed with the High Court's findings. The Court accepted the High Court's reasoning for not discarding testimonies given by eyewitnesses merely because they were closely related.
- Regarding inconsistency in statements and the medical report, the Court said that if the eyewitness' version inspires confidence, the same is sufficient for the accused's conviction. Further, medical evidence was used to corroborate eyewitnesses' evidence.

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