

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

**CRM-M-4812-2018 (O&M)
Date of Decision: 12.6.2019**

Anjali Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.P.S. Bal, Advocate
for the petitioner.

Ms. Anu Chatrath, Addl. AG, Punjab.

Mr. Abhinav Oberoi, Advocate,
for Patel Public School, Rajpura

RAJ SHEKHAR ATTRI, J.

Instant petition has been filed under Section 482 of the Code
of Criminal Procedure with numerous prayers which are as under : -

- (i) for issuance of directions to the respondents to
finalize the proceeds of the complaints lodged by the
petitioner;
- (ii) to withdraw the proceedings lodged in
pursuance to the complaint lodged by the petitioner against
the said accused from Patiala District Police to any other
investigating agency:
- (iii) for summoning the records and ordering their

sealing:

(iv) for seeking status report from the concerned authorities:

(v) to provide security to protect the life of the petitioner;

(vi) not to send male police official at the residence of the petitioner at late hours;

(vii) for withdrawing proceedings/complaints lodged against the petitioner wherever they are launched by the accused persons;

(viii) directions to independent police authorities to probe into the matter;

The facts of the case are that previously, the petitioner was working as Principal of Patel Public School, Rajpura. A complaint was received against her qua her misconduct. A show cause notice was issued to her on 03.11.2017. Thereafter an enquiry was conducted against her. Ultimately her services were terminated vide order dated 30.11.2017 (Annexure R-3) with immediate effect.

In the complaints by the petitioner, the petitioner has asserted that she was sexually harassed by the local MLA and one Mohinder Sehgal, Member of School Managing Committee. She made numerous complaints against them.

It is her case that initially she submitted an

application dated 20.11.2017 (Annexure P-1) to the police against the local MLA and General Secretary Mohinder Sehgal. This Court would like to reproduce the relevant part of Annexure P-1 as under : -

“I, Anjali Singh, principal of Patel Public School, Rajpura wants to file a complaint against the General Secretary of the Patel Memorial Management Society, Rajpura, Mr. Mohinder Sehgal and local MLA Mr. Hardyal Kamboj. I was appointed in walk-in-interview by the worthy ADC then, along with accomplished educationists, and the members of the society on Feb 23, 2016 and joined my post on March 10, 2016. Seeing my good conduct and my devotion towards my institution, I was confirmed and regularized by the Office Bearers on March 10, 2017, at the end of 1 year of Services and probation period. By then the Congress Party had come into power and the General Secretary Mr. Mohinder Sehgal and the local MLA, Mr. Hardyal Kamboj started harassing me mentally and physically. Mr. Sehgal did not approve and sign my regularization letter. When I refused to entertain them as per their whims and fancies they started manipulating my work and pressurized me off and on to do wrong tasks to please their associates which as an educationalist was not getting down my system. They both threatened me and mentally, physically harassed me, if I do not do according to their wishes, I will have to face dire

consequences. Lately, when I avoided I was being humiliated by obscene words by Mr. Mohinder Sehgal in front of the other three members, Ms. Anita Chawla, The Secretary, Mr. P.C. Bhateja, then Vice-President, Mr. Rajesh Anand, the finance Secretary. Inspite of a lady Office Bearer no action was taken on him, due to which his harassment continued. Now I am fed up of the notices on manipulated stories cooked up against me, so I have approached the worthy Women Commission.

I am a divorcee and have lot many limitations. I do not know how far my case will be heard against these big politicians. I do not have any support and all my pleas have gone to deaf ears because everyone is afraid of the unfair means the MLA adopts to trap them. I have taken a very bold step but it was the need of the hour, Till how long do I have to suffer their mental and physical harassment.

I want justice from the Hon'ble Chief Minister Mr. Amrinder Singh Ji, Mahrani Parneet Kaur Ji, Education Minister Ms. Aroona Chaudhary Ji. Hope I will be heard here atleast. I would like to ask Education Minister does a single lady not have right to serve as respectable individual? Will the job be safe if I oblige such people with staff or myself?"

Thereafter, she submitted application (Annexure P-2) to 28.11.2017 and made some improvements therein. In this application, some instances were given that both of them started forcing her to do

unfair task. The relevant part thereof reads as under : -

“The local MLA is very close to him and he had full support because of the power. They both started forcing me to do the unfair tasks which as an educationist wasn't going my system, like promoting underserving students, appointing teachers of their choice, peons and then even when those favoured teachers were not giving their duties and maintaining the decorum of school, I had no right to check them the students who were unruly were supported by mr. Sehgal. His supporters used to come to my office and warn and threaten me if their work is not done then I will have to face the dire consequences. Once in June 2017 after the open house meeting he came out and shouted at me “tu sudhar ja nahin tan tainu v schoolon kahd dena, tainu kini vaar keha k saadi gall mnya kr, saade kahe te chlan layi, par tu tan president di चाहति Hain te tu v jayeinge awain e beizzat ho k ikk din.” other members were also there when he spoke to me like this and he often spoke to me in this tone. No one checked him inspite of one lady office bearer. This continued cause he had the power behind. Everyone was scared of the MLA cause he traps the other person with all unfair means. Then one fine day I get a phone call somewhere in september that i must visit the MLA, I wondered if i must go or not, so i took permission from my office bearers if i must visit him. I somehow gathered some

courage and walked through 100 odd people sitting at his residence in Rajpura. I was asked to sit in d lobby, and when everyone in the room left, I was called. I walked and sat on the sofa. He said “tu saadi koi gll ni manndi, tainu pehlan v kwaaya kk saade kahe te kmm kr di raheingi tan khush rheingi, te kamm kr sakeingi aethe nahi tan aukha hoju tere lai. Baki aggee jo krna jiwe krna mohinder sehgal dassde rehenge”. Many such episodes happened day to day while dispensing my duties.”

Thereafter, third application dated 19.1.2018 to different authorities was moved. She made some improvements with regard to advice by Mohinder Sehgal to visit to the house of local MLA. This Court would like to reproduce the relevant part of the application as under : -

“.....Once in June 2017 after the open house meeting he came out and shouted at me “tu sudhar ja nahi tan tainu v schoolon kadd dena, tainu kini vaar keha k saadi gall mnya kr, saade kahe te chlan layi, par tu tan president di chaheti Hain te tu v jayeinge awein e beizzzat ho k ikk din.” Other members were also there when he spoke to me like this and he often spoke to me in this tone. No one checked him inspite of one lady office bearer. This continued cause he had the power behind. Everyone was scared of the MLA cause he traps the other person with all unfair means. Then one fine day I get a phone call somewhere in september that i must visit the

MLA, I wondered if i must go or not, so i took permission from my office bearers if i must visit him. I somehow gathered some courage and walked through 100 odd people sitting at his residence in Rajpura. I was asked to sit in d lobby, and when everyone in the room left, I was called. I walked and sat on the sofa. He said “tu saadi koi gll ni manndi, tainu pehlan v kwaaya kk saade kahe te kmm kr di raheingi tan khush rheingi, te kamm kr sakeingi aethe nahi tan aukha hoju tere lai. Baki aggee jo krna jiwe krna mohinder sehgal dassde rehenge”. Many such episodes happened day to day while dispensing my duties.”

This Court vide order dated 8.1.2019 issued directions to the school to submit report if any complaints committee was constituted in or before 2016 in view of the directions issued by Hon'ble Supreme Court in **Vishaka v. State of Rajasthan**, AIR 1997 SC 3011. In pursuance thereof, a report was submitted on behalf of the School, wherein it has been submitted that the committee has been constituted. It has been submitted that a notice was issued to the petitioner regarding receiving of the complaint wherein she submitted her reply and the matter was investigated. Thereafter, a report was submitted with regard to certain conducts.

State also filed its reply from which it transpires that the inquiry was conducted by Mrs. Amneet Kondal, IPS, Assistant Inspector General of Police, Personnel-II, CPO, Punjab, Chandigarh and vide her enquiry report dated 16.8.2018, it has been reported as under : -

“From the above, the undersigned is of the opinion that the alleged complaint of mental and physical harassment submitted by complainant Ms. Anjali Singh against Mr. Mohinder Sehgal, General Secretary and Mr. Hardyal Singh Kamboj, MLA, Rajpura could not be corroborated, therefore, the complaint may be filed being devoid of substantial evidence.”

I have heard learned counsel for the parties and gone through the record.

To the mind of this Court, the main relief sought by the petitioner with regard to finalising the proceedings of the complaint is concerned that rendered infructuous as those have already been finalised. So far as the prayer for transferring the proceedings from Police District Patiala to some other police district is concerned, that has also rendered infructuous as the inquiry has been conducted by Assistant Inspector General of Police, Punjab, Chandigarh

The prayer with regard to summoning of the case record is concerned, that is also baseless as the inquiry has already been conducted.

So far as the prayer for providing security to the petitioner is concerned, the petitioner has failed to establish any apprehension to her life. The petitioner has also made prayer for withdrawing the proceedings of various investigations/complaints lodged against her but to the mind of this Court, FIR has already been registered against her and the same cannot be quashed through this petition.

In view of the above, the present petition is devoid of any merit and is dismissed.

June 12, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>