

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-762-2023 (O&M)
Date of decision: 29.08.2023

Beerinder Singh Yogi
.....Petitioner
Versus
Manisha Chaudhary
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saurabh Singla, Advocate
for Mr. V.K. Sharma, Advocate
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor,
U.T., Chandigarh.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the judgment dated 12.11.2013 passed by the Hon’ble Supreme Court of India in Writ Petition (Criminal) No.68 of 2008, titled as “Lalita Kumari vs Govt. of U.P. and others”.

The case set up by the petitioner is that the father of the petitioner namely Harbhajan Singh Yogi was a practitioner in Ayurvedic Medicines, who died on 11.12.2009. On 03.11.2022, the brother of the petitioner namely Sukhjinder Singh Yogi along with some persons came to the clinic of the petitioner – Beerinder Singh Yogi and misbehaved with him. It is stated that despite giving a complaint to the police authorities, no action was taken. It is also stated that later on, a complaint under Section 156(3) Cr.P.C., was filed before the Illaqa

Magistrate, in which an order has been passed by the Chief Judicial Magistrate, U.T., Chandigarh, on 25.01.2023, which reads as under:-

“1. Complainant has come present. His presence is marked. Arguments heard.

2. The complainant has filed the present application u/s 156(3) Code of Criminal Procedure, 1973 for issuance of direction to SHO, Police Station Sector 17, Chandigarh to register FIR u/s 120B, 354, 389, 398, 399, 402, 452, 509 and 511 Indian Penal Code, 1860 against the accused persons.

3. It is alleged that complainant is running a Clinic at SCO No. 1030, Ground Floor, Sector 22-B, Chandigarh by appointing/employing the doctors, for which, the applicant possess requisite qualifications. Brother of the applicant namely Sukhjinder Singh Yogi who wanted to grab the family business and Clinic of the complainant, is harassing the complainant and his old and ailing mother since long, regarding which mother of the applicant also lodged police complaints, which further infuriated accused Sukhjinder Singh Yogi. Father of applicant namely Sh. Harbhajan Singh Yogi was very renowned practitioner in Ayurvedic Medicine and was revered in the country, who passed away on 11.12.2009. The Trade Mark of family business is registered with the applicant after death of his father. Accused Sukhjinder Singh Yogi to give shape to his evil designs, sent some hooligans and robbers, who were 5 in the number and they trespassed into the Clinic of applicant on 03.11.2022 at about 12 P.M. The said criminals started misbehaving with the staff of applicant, they even abused and harassed women employees by using physical force against them. They advanced threats to close down the Clinic immediately, failing which they threatened that they will apprehend the applicant and one of the

criminal among them was wearing the uniform of an Advocate. Complainant / applicant was busy at that time in the treatment of his mother who was hospitalized in a critical condition and when called upon by his staff he rushed to his clinic and the said 5 robbers immediately made the applicant hostage in his Clinic and started abusing the applicant in foul language and misbehaved with the applicant. They refused to show any identity cards and coerced the applicant to immediately furnish an affidavit on stamp paper that he will close down his Clinic in favour of accused Sukhjinder Singh Yogi. The robber who was wearing the uniform of an Advocate, threatened the applicant that he has power to immediately send the applicant to Jail, if applicant does not furnish the affidavit demanded by them. When applicant tried to call local police, the above mentioned 5 robbers ran away and they also forcibly took the documents containing the patient slips, calculator and table watch with them. Applicant reported the matter to police, but till date no action has been taken. Hence, the present complaint has been made.

4. Grouse of the complainant is that accused Sukhjinder Singh Yogi sent some hooligans and robbers to his clinic who misbehaved with his staff, abused and harassed women employees and threatened to close the clinic. The complainant has also placed on record photographs of alleged robbers as Annexure A1 to A3. However from perusal of said photographs, it is seen that they are wearing proper identity cards. Photographs do not show that they are indulged in any act of hooligan or robbery. At this stage, except the mere allegations of complainant, there is nothing on record to show that said persons were robbers. This Court is of the considered view that it will be in the interest of justice if case is proceeded

further by recording the statement of complainant and his witnesses in pre-summoning evidence and thereafter decide whether a case for summoning of accused is made out or not. Accordingly, complainant is afforded opportunity to prove his case and the present Criminal Misc. Application for registration of case under Section 156 (3) Code of Criminal Procedure, 1973 stands dismissed.

5. Case be registered as IPC complaint. Now to come up on 21.04.2023 for preliminary evidence of the complainant at own responsibility.”

Thus, this contempt petition is filed and it is alleged that since a cognizable offence is made out, the respondents who are police authorities as well as the concerned Magistrate, have committed the violation of the order.

On 24.07.2023, the complaint qua respondent No.3 was dismissed.

Reply by way of affidavit of the Senior Superintendent of Police, U.T., Chandigarh, is on record, in which the complete details of the enquiry conducted with regard to the complaint made by the petitioner is given. It is also stated that the allegations of the petitioner are that his brother Sukhjinder Singh Yogi along with 05 persons (who were later on, found to be the officials of the National Commission for Indian System of Medicine, Ministry of Ayush, Government of India, New Delhi and Board of Ayurvedic & Unani System of Medicine, Sector 69, Mohali) i.e. 03 persons have come from New Delhi whereas 02 persons have come from Mohali visited clinic of petitioner on 03.11.2022. These persons have visited the clinic of the petitioner as the brother of the petitioner namely Sukhjinder Singh Yogi, had made a

complaint that the petitioner Beerinder Singh Yogi, is running the clinic under the fake degrees while describing and posing himself to be a doctor.

It is also stated that during the visit, the petitioner had stated that under a misconception, he is putting pre-fix to his name as “Dr.” and he is not running the clinic but he has hired the staff to run the same. This information was received by the police pursuant to notices dated 22.05.2023 and 04.07.2023 issued under Section 91 Cr.P.C. to the Director, Board of Ayurvedic & Unani System of Medicine, Sector 69, Mohali and to the Secretary, National Commission for India System of Medicine, New Delhi, in which they have replied that the officials had made a visit in the clinic on 03.11.2022 in discharge of their official duties. It is also stated that the petitioner has given a complaint to the DIG, CBI, Chandigarh, which was forwarded to the Director General of Police, U.T., Chandigarh on 03.02.2023 and it has been found that the allegation of any bribe or illegal activity on the part of the officials was not found as they have come on a routine visit as a complaint by the real brother of the petitioner was received that the petitioner Beerinder Singh Yogi is running the clinic under fake degrees.

It is also submitted that when the petitioner has filed a complaint under Section 156(3) Cr.P.C., the Chief Judicial Magistrate, U.T., Chandigarh has observed that the photographs attached by the petitioner reflects that the persons, who visited the petitioner’s clinic were wearing proper identity cards and they were not indulged in any act of hooliganism or robbery and therefore, instead of sending the

complaint to the police under Section 156(3) Cr.P.C., for enquiry, it was treated as a complaint under Section 200/202 Cr.P.C. and the petitioner was directed to lead the evidence.

After hearing the counsel for the parties, no willful disobedience of the judgment of the Hon'ble Supreme Court in ***Lalita Kumari's case***, is made out for the following reasons:-

(a) It is apparent that the petitioner, who admittedly is not holding any qualification in Ayurvedic or Unani System of Medicines and is pre-fixing the word "Dr." in his name, has adopted a ploy to harass not only the officials of the National Commission for Indian System of Medicine, Ministry of Ayush, Government of India, New Delhi and Board of Ayurvedic & Unani System of Medicine, Sector 69, Mohali, but has filed a false complaint against them.

(b) A perusal of the affidavit of the Senior Superintendent of Police, U.T., Chandigarh, reveals that in pursuance to the notice issued under Section 91 Cr.P.C. to the Director, Board of Ayurvedic & Unani System of Medicine, Mohali as well as to the Secretary, National Commission for Indian System of Medicine, Ministry of Ayush, Government of India, New Delhi, a detailed reply has been given.

As per Annexure R-1, the Registrar of the Board has stated in Para 7 to 9 of the reply that the Committee

which visited the clinic on 03.11.2022, had handed over a proforma to the petitioner in order to reply his academic and professional qualification, in which against his academic and professional qualification, he filled "NO" in the answer of Point No.12, regarding the entrance test and in reply to the question, Why he used phrase "Dr." at the beginning of the name, to which the petitioner replied that he had no knowledge that he cannot used the word "Dr." pre-fix in his name.

Again, on a question Why he write his name as "Dr. Beerinder Singh Yogi, Sexologist, to which he replied that he will remove the phrase "Sexologist".

It was, thus, concluded that the petitioner does not have any knowledge about his own academic and professional qualification. The hand written reply given by the petitioner dated 03.11.2022, at the time of the visit also reflect the same.

(c) In the reply given by the Secretary of the National Commission for Indian System of Medicine, a detailed investigation is mentioned regarding the qualification of the petitioner, which reads as under:-

"(d) That the alleged accused passed his 10th standard in 1988 from Chandigarh and enrolled in 11 standard in DAV school Chandigarh in 1989. That he passed his 12th standard in 1992 from senior secondary school in Ludhiana under Delhi Board from Senior Secondary Education. (e) That the complainant submitted supporting documents such as handwritten prescription

written by alleged accused of year 2011, 12 and 2013, a copy of Certificate of Hon'ble President Award given for Social Service, however used to misrepresent himself as renowned Doctor, Screenshots of his online profile on online Medical service portal as well as on goggle and response of his patients on such online portals, wherein he is referred to as renowned doctor and sexologist and the prefix "Dr" attached to his name, Screenshots of his Clinic display board, wherein he is referred to as renowned doctor and sexologist and the prefix "Dr" attached to his name, his pamphlets advertising his Clinic, wherein he is referred to as renowned doctor and sexologist and the prefix "Dr" attached to his name, screenshots of the advertisement of his clinic in newspapers, wherein he is referred to as renowned doctor and sexologist and the prefix "Dr" attached to his name, The complainant also submitted educational qualification certificates of the alleged accused such as his 10", 12", college mark-sheets. The complainant also submitted copy of newspapers by Business Standard dated 27.12.2021, wherein the alleged accused is seen to be awarded a prestigious Golden glory award which mentions the alleged accused as "MOST TRUSTED WORLDWIDE AWARDED SEXOLOGIST", "HAS GIVEN ADVANCE SCIENTIFIC APPROACH TO CLINIC... TO PROVID BEST SERVICES TO patients the clinic has help lines in USA, Canada & U.K".

It is further stated that in the observation of the Committee that even the certificate of Senior Secondary Education issued by one Delhi Board of Secondary Education, on preliminary enquiry, was found to be a fake Board in India.

The conclusion of the Committee, reads as under:-

“Hence based on the above observations and materials made before hearing Committee the hearing Committee has made following recommendations before the Commission.

(a) That a detailed enquiry should be conducted by a senior and reputed crime

investigation body such as CBI (Central bureau of Investigation) to investigate the manner in which alleged accused i.e., Beerinder Singh Yogi is admitted to the BAMS course at Swami Raghwendra Charya Tridandi Ayurvedic Medical College& Hospital, Gaya Bihar, the alleged illegal act committed by alleged accused as mentioned above. Also, enquiry into the alleged malpractice and corrupt practices of the said college in granting admissions. (Including the allegation that the admission of the alleged accused was given by the college and under influence of Dr. Jagjeet Singh the then CCIM, Member) as per the information by given the management.

(b) Register and FIR against the alleged accused i.e. Beerinder Singh yogi, under section 34, ii of the NCISM Act, 2020, Section 338 of the IPC i.e. Causing grievous hurt by act endangering life or personal safety of others and relevant sections of The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

(c) To direct the collage to provide all details of the studies undergone by the alleged accused and all the answer sheets and records of examinations before start of internship and a detailed weekly update of the internship thereafter.

(d) To take appropriate recourse as well as legal action against the allegations made against the members of the Commission as well as hearing Committee made by the alleged accused in the proceedings filed before the District and Sessions Court of Chandigarh, to place correct facts on record.”

It is also stated that the Commission and the Board are going to take legal action against the petitioner in accordance with the relevant provisions of law.

(e) The enquiry conducted by the two government agencies found that the petitioner is neither holding any degree and rather his degrees are found to be

fake as even the Board from where he has allegedly procured the degree is on the list of fake Board.

(f) The allegation against the Chief Judicial Magistrate, U.T., Chandigarh are baseless as he has not committed violation of any direction in Lalita Kumari's case as he has passed a judicial order for which the petitioner had a remedy to file the appeal/revision before the Court of Sessions.

(g) From the detailed reply, submitted by the Senior Superintendent of Police, U.T., Chandigarh, which is based upon an enquiry conducted by a team of the Board of Ayurvedic & Unani System of Medicine, Sector 69, Mohali and National Commission for Indian System of Medicine, Ministry of Ayush, Government of India, New Delhi, leaves no reason to conclude that the petitioner is claiming himself to be a qualified practitioner of medicines; a renowned Sexologist, without having any necessary qualification, in this regard.

(h) The mischief of filing the present contempt petition is also apparent on record.

(i) In the reply of both the Registrar of the Board as well as the Secretary of the Commissioner, a copy of e-mail dated 01.11.2022 and 02.11.2022 are attached in which an information was given to Advocate Trideep Sharma on his e-mail id

trideepsharma1577@gmail.com that the aforesaid team will visit the clinic of the petitioner i.e. Dr. Yogis Ayurvedic Clinic, Ground Floor, SCO No.1030, Sector 220B, Chandigarh, on 03.11.2022 and the petitioner was having advance notice about the visit of the team which in fact, visited the premises on 03.11.2022 and allowed the petitioner to submit his reply on D-form given wherein the petitioner in his own handwriting in clear and unequivocal term, has admitted that he has no degree from a recognized college to claim himself as “Dr.”, filed a totally false complaint addressed to the SHO, Police Station Sector 17, U.T., Chandigarh that the brother of the petitioner along with 05 hooligans and robbers, out of whom 02 women trespassed in his clinic on 03.11.2022 and committed some offence.

(j) On the face of it, the complaint given by the petitioner to the SHO, Police Station Sector 17, Chandigarh, is nothing but an attempt to overreach the process of law as the officials, who visited the premises of the petitioner, were members of ethics, Registrar Board of Ayurvedic and Unani System of Medicine and other members of the Commission.

Therefore, the petitioner who was given advance notice of the visit through his counsel by way of e-mail, had every knowledge that no hooligans or robbers has

entered his clinic and it is only the officials, as noticed above, who have visited his premises on receiving a complaint that the petitioner is running a fake clinic and therefore, on the face of it, the complaint given to the police for registration of the FIR against the aforesaid persons as well as his own brother is nothing but totally misuse of the process of law.

Similar is the status of the complaint given to the Senior Superintendent of Police, U.T., Chandigarh as well as the DIG, CBI, Chandigarh.

(k) It is very surprising that the petitioner despite having knowledge that all the persons who visited the premises were in fact government servants and were carrying their identity cards with them as reflected in the order of the Chief Judicial Magistrate as well as the photographs (Annexure P-1), the petitioner, who pre-empted that the criminal prosecution will be launched against him for faking himself to be an Ayurvedic Doctor and Sexologist of National Level, has adopted a unique method of first filing a complaint against the officials before the police authorities and then by way of filing a complaint under Section 156(3) Cr.P.C., before the Chief Judicial Magistrate, Chandigarh, which was treated as a complaint.

In view of what has been discussed hereinbefore, finding that no willful disobedience is made out against any of the respondents, this petition is dismissed with costs of Rs.1.00 lac, which will be payable by the petitioner in Punjab & Haryana High Court Employees Welfare Association, within a period of 04 months from today.

(ARVIND SINGH SANGWAN)
JUDGE

29.08.2023
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No