



CRM-M-15293-2015

-1-

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15293-2015

Date of Decision:- 03.02.2025

Dr. J.S. Anand (Jernail Singh Anand)

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. P.K.S. Phoolka, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.(Oral)

Petitioner Dr. J.S. Anand (Jernail Singh Anand) filed second petition under Section 482 Cr.P.C. for quashing of Complaint No. 39 dated 09.04.2013, titled "Victim 'S' Vs. Dr. J.S. Anand" under Section 376/406/506 of IPC, pending in the Court of learned Judicial Magistrate First Class, Bathinda (Annexure P-1) and impugned summoning order dated 06.04.2015 passed by learned Judicial Magistrate First Class, Bathinda (Annexure P-2), keeping in view facts and circumstances of present case.

2. Brief facts of case are complainant/victim "S" filed complaint against Dr. J.S. Anand, Principal, DAV College, Bathinda dated 08.04.2013 (Annexure P-1) under Section 376, 406, 506 of IPC, Police Station Civil Lines Bathinda with allegations that she is married with Prem



CRM-M-15293-2015

-2-

Pal for last many years and is mother of one minor daughter. Her husband was having contract of Cycle Stand in DAV College, Bathinda for last more than 20 years and he was earning his livelihood. Complainant started working in DAV College, Bathinda as Sweeper to supplement their income. About three years ago, accused Dr. J.S. Anand who was Principal of aforesaid college engaged her as a maid in his house for preparing food, cleaning utensils, washing clothes etc. as he was not at speaking terms with his wife. Accused started blackmailing her whenever he visited house for doing household work as a maid by proclaiming that she will be turned out of the job or otherwise she should agree for having physical relations with him, to which complainant did not agree. She did not disclose this fact to her husband. Accused further threatened that contract of Cycle Stand given to her husband will also be cancelled since he was an influential person. Accused pressurized her and succeeded in developing physical relations with her. She was sexually exploited almost everyday against her wishes. He continued committing rape upon her for a period of about 4 years. She filed a complaint against accused before Managing Committee of said college. However, accused exercised influence upon Managing Committee and Committee did not take any action against accused and she was pressurized to withdraw her complaint. She also filed one complaint with police authorities and even police did not take any action. Complainant filed CRM-M No. 25620 of 2012 under Section 482 of Cr.P.C. which was decided on 26.09.2012, giving direction to SSP, Bathinda to dispose of representation filed by her by taking appropriate action. Accused by misusing his influence got complainant dismissed from her service in DAV



College, Bathinda and contract of Cycle Stand given to her husband was also cancelled by levelling false allegations. No action was taken by police. Thereafter, complainant was allured to effect compromise that she and her husband will get a job in MHR School, Bathinda. Even thereafter, harassment continued. She along with her husband were harassed and humiliated by Chander Kala, Madam Sunita and Ashok Shastri at the instance of accused and were told to withdraw complaint filed by her and her husband, otherwise, they will have to face dire consequences. Husband of complainant filed application dated 02.02.2013 before Punjab State Human Rights Commission, Chandigarh. Till date police has not taken any action and ultimately, she filed this complaint.

3. In aforesaid complaint, after recording of pre-summoning evidence, accused/petitioner was ordered to be summoned under Section 376, 506 of IPC vide order dated 06.04.2015 (Annexure P-2). Feeling aggrieved of said complaint and summoning order, present petition for quashing has been filed.

4. Learned counsel for petitioner argued that aforesaid complaint has been filed as a tool to harass and pressurize petitioner with false allegations of rape and harassment to respondent No. 2/complainant. It is pointed out that petitioner was Principal of DAV College, Bathinda and respondent No. 2 was working as Peon in DAV College, Bathinda, whereas, her husband Prem Pal was working as Cycle/Scooter stand Contractor. Respondent No. 2 filed application to Principal, MHR School for appointment as a Peon against vacant post, as a result, she was appointed on contract basis with effect from 01.12.2011 with salary of Rs.



2300/- from main school and additional sum of Rs. 1500/- per month for Happy Nursery for extra work and services, vide order dated 01.12.2011 (Annexure P-3). Thereafter, respondent No. 2 and her husband Prem Pal filed one application dated 16.12.2011 addressed to Secretary, DAV College Managing Committee, Chitragupt Road, New Delhi (Annexure P-4) regarding transfer of respondent No. 2 from one place to other and appointing another lady at the place of respondent No. 2. Thereafter, Prem Pal, respondent No. 2 and her daughter filed another complaint to President, DAV College Managing Committee, New Delhi dated 21.01.2012 (Annexure P-5) levelling allegations of physical assault to daughter of respondent No. 2 and Principal calling the Peon to his house for domestic help. Prem Pal husband of respondent No. 2 again filed another complaint dated 29.02.2012 (Annexure P-6) to President, DAV College Managing Committee, New Delhi to waive off fee of his children. Thereafter, Managing Committee, DAV College came to know about conduct of husband of respondent No. 2 that he was obtaining signatures of some students with malafide intention and on this, concerned students clarified that their signatures and mobile phone numbers were noted down without telling purpose for same. Letters of students are Annexure P-7. Again Prem Pal and respondent No. 2 gave application to Principal, DAV College, Bathinda requesting for their regular job and payment of salary of respondent No. 2 by cheque. Said application dated 21.03.2012 is Annexure P-8. Thereafter, Principal called upon Prem Pal, Cycle Stand Contractor vide letters dated 27.03.2012, 30.03.2012 and 02.04.2012 (Annexure P-9) to submit registers for the Sessions 2010-11 and 2011-12



CRM-M-15293-2015

-5-

maintained by him for parking of cycles etc., receipts issued by him for collecting money and detail of money deposited by him in account of office. Said Prem Pal did not come forward to give any explanation and ultimately Committee recommended termination of contract vide proceedings dated 03.04.2012 (Annexure P-10) and intimation was sent vide letter dated 04.04.2012 (Annexure P-11).

Learned counsel representing petitioner pointed out that during this entire period there were no allegations of committing rape with respondent No. 2 for a continuous period of 3-4 years as claimed by respondent No. 2. She filed complaint to SSP, Bathinda for first time on 16.04.2012 (Annexure P-12). She also approached Punjab State Human Rights Commission, Chandigarh and said Commission did not take any action as Managing Committee of College, New Delhi was already inquiring matter. Copy of order dated 04.05.2012 is Annexure P-13. Respondent No. 2 filed CRM-M No. 25610 of 2012 which was decided vide order dated 26.09.2012 (Annexure P-14), giving direction to SSP, Bathinda to decide her representation and take appropriate action in accordance with law within a period of two months from the date of receipt of certified copy of this order. In the meantime, respondent No. 2 along with her husband effected compromise dated 04.01.2013 (Annexure P-15) by alleging that their misunderstanding was clear and both parties agreed not to pursue their complaints/applications since matter was compromised. Report of Superintendent of Police(D), Bathinda dated 11.01.2013 is Annexure P-16. Learned counsel for petitioner pointed out that respondent No. 2 as well as her husband continued to remain absent from duty, having



CRM-M-15293-2015

-6-

rude behavior and misconduct on their part. Their services were terminated vide letters dated 23.10.2013 (Annexure P-17). Petitioner was not ready to bow down on illegal, unjustified demands of respondent No. 2 and it was in violation of compromise dated 04.01.2013. Thereafter, present petitioner also filed one representation to police which is Annexure P-18. Complaint filed by respondent No. 2 is motivated to put pressure on petitioner and false allegations have been levelled against him.

Earlier petitioner had filed CRM-M No. 8836 of 2014 which was dismissed as withdrawn vide order dated 12.03.2014 (Annexure P-19) as petitioner wanted to pursue representation made before police authorities. He again filed another petition bearing CRM-M No. 36875 of 2013 which was dismissed as withdrawn being premature with liberty to file fresh petition as summoning order was passed in complaint, vide order dated 07.11.2013 (Annexure P-20). It is argued that allegations of rape and alleged threat to respondent No. 2 is afterthought when contract of husband of respondent No. 2 was terminated. Matter was compromised. Their behavior did not change during their respective jobs as a result contract of husband of respondent No. 2 was terminated and service of respondent No. 2 was also terminated vide order dated 22.03.2013 (Annexure P-17). Learned trial Court while passing summoning order dated 06.04.2015 (Annexure P-2) could not consider aforesaid facts and circumstances of case. Trial in aforesaid complaint is nothing but misuse of criminal procedure of law. Therefore, complaint filed by respondent No. 2 (Annexure P-1) and summoning order dated 06.04.2015 (Annexure P-2) be quashed by accepting present petition.



5. Learned counsel representing respondent No. 2 appeared on 07.07.2015 and was given an opportunity to file reply. However, no reply is filed by respondent No. 2. Learned counsel representing respondent No. 2 argued that facts narrated in complaint (Annexure P-1) were duly supported by pre-summoning evidence recorded before learned Judicial Magistrate First Class, Bathinda. Respondent No. 2 as CW1 and her husband Prem Pal as CW2 stepped into witness box to confirm allegations detailed in complaint (Annexure P-1). After considering testimony of witnesses, summoning order dated 06.04.2015 (Annexure P-2) was passed vide which petitioner was summoned under Section 376, 506 of IPC. Petitioner repeatedly committed rape upon respondent No. 2 by putting her under pressure that contract of Cycle Stand parking of her husband will be terminated and she will also be turned out of job in case she did not agree for having physical relations with petitioner. Petitioner assured regular job for respondent No. 2/victim and under that assurance he continuously misused his position and exploited the victim. Ultimately respondent No. 2 approached SSP, Bathinda levelling specific allegations of rape against petitioner but police did not take any action. Respondent No. 2 filed complaint before Punjab State Human Rights Commission and also approached this Court seeking direction to police for taking action on her representation. Respondent No. 2 was allured to effect compromise. Allegations were never inquired by police in a proper manner for registration of FIR, thereafter respondent No. 2 filed complaint (Annexure P-1) in which summoning order dated 06.04.2015 (Annexure P-2) has been passed. Petitioner can lead his evidence in defence at appropriate stage.



Petition filed by petitioner seeking quashing of complaint as well as summoning order is not justified. Therefore, petition filed by petitioner may kindly be dismissed.

6. I have considered the arguments advanced before me. I have also gone through the record carefully. Present petitioner was working as Principal of DAV College, Bathinda where admittedly, respondent No. 2 was working as Peon on contract basis and her husband Prem Pal had also taken contract of Cycle/Scooter stand parking in same college for last many years. As per facts narrated in complaint, it is alleged that present petitioner who was working as Principal had hired complainant as a maid in his house for preparing food, cleaning utensils, washing clothes etc. as he was having some matrimonial dispute with his wife. Respondent No. 2 was given job as a Peon with effect from 01.12.2011 on contract basis as per appointment order dated 01.12.2011 (Annexure P-3). In complaint, respondent No. 2 alleged that present petitioner sexually exploited her almost everyday against her wishes for a period of about 4 years. She claimed that petitioner pressurized her and threatened to cancel contract of Cycle Stand given to her husband and also threatened to dismiss her from job and under this pressure, she was physically exploited by petitioner.

7. Facts and documents on record have been considered. Petitioner has annexed applications filed by respondent No. 2 as well as her husband from time to time addressed to Secretary, DAV College Managing Committee, Chitragupt Road, New Delhi dated 16.12.2011 (Annexure P-4), another application dated 21.01.2012 (Annexure P-5) and application dated 29.02.2012 (Annexure P-6). In these applications, she levelled



CRM-M-15293-2015

-9-

allegations against petitioner regarding her transfer and appointing other lady at her place. Thereafter, seeking waiver of fees of her children in school and one representation levelling allegations that she was called in house for domestic work and her daughter was physically assaulted. In aforesaid representations/applications, respondent No. 2 did not raise any allegation of rape against present petitioner for a period of three years.

Husband of respondent No. 2 was having contract of Cycle/Scooter Stand and regarding this, he was called by Committee to furnish original register, receipt books, requisite record about deposit of money for the year 2010-11, 2011-12 (Annexure P-9) but he did not appear and thereafter, as per proceedings of Committee dated 03.04.2012 (Annexure P-10), contract of Prem Pal was terminated. Intimation was given to Prem Pal vide letter dated 04.04.2012 (Annexure P-11). At this stage, for first time, respondent No. 2 filed application to SSP, Bathinda dated 16.04.2012 (Annexure P-12) levelling allegations of sexual harassment caused to her by present petitioner for four years on false promise of job and also levelled allegations regarding sexual harassment to her minor daughter. It is matter of record that respondent No. 2 filed representation to Punjab State Human Rights Commission and also filed one CRM-M No. 25610 of 2012 seeking direction to SSP, Bathinda for registration of FIR and said petition was disposed of vide order dated 26.09.2012 (Annexure P-14). In the meantime, there is a compromise dated 04.01.2013 (Annexure P-15) and on that basis, Superintendent of Police(D), Bathinda submitted his report dated 11.01.2013 (Annexure P-16). Aforesaid compromise indicates that respondent No. 2 effected



compromise with petitioner with regards to allegations levelled by her regarding continuous sexual exploitation and decided not to take action against present petitioner, which in itself creates serious doubt regarding truthfulness in her version. Otherwise, considering serious allegations levelled by respondent No. 2, there was no reason for her to effect compromise with petitioner. As per record, contract of her husband Prem Pal as well as her job were terminated vide separate orders dated 22.03.2013 (Annexure P-17) and thereafter, respondent No. 2 filed present complaint No. 39 dated 09.04.2013, RBT No. 57 dated 17.09.2013 under Section 376, 406, 506 IPC (Annexure P-1) in which summoning order dated 06.04.2015 (Annexure P-2) was passed.

8. Allegations levelled in complaint are grave but at the same time, facts and circumstances of case based on documents as referred above cannot be ignored. Statement of respondent No. 2 is required to be of sterling quality. In the case in hand, documents as referred above indicate that no such allegations were levelled by respondent No. 2 initially when she wrote to DAV College, Managing Committee, New Delhi and she wrote letter to SSP, Bathinda dated 16.04.2012 (Annexure P-12) for first time when contract of her husband was terminated vide letter dated 04.04.2012 (Annexure P-11). Again she effected compromise dated 04.01.2013 (Annexure P-15) that misunderstanding has been cleared. She was terminated from her job and contract of her husband was again terminated on 22.03.2013 and she again filed present complaint on 08.04.2013. In the light of this, version put forward by respondent No. 2 does not appear to be trustworthy and truthful.



CRM-M-15293-2015

-11-

9. In such like situation, continuation of complaint (Annexure P-1), on the basis of summoning order dated 06.04.2015 (Annexure P-2) will be gross misuse of criminal procedure. Therefore, I find merits in petition filed by petitioner and accordingly, Complaint No. 39 dated 09.04.2013, titled “Sarabjit Kaur Vs. Dr. J.S. Anand” under Section 376/406/506 of IPC (Annexure P-1) and impugned summoning order dated 06.04.2015 (Annexure P-2) are hereby quashed qua present petitioner.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.02.2025

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No