

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE ANAND PATHAK

MISC. CRIMINAL CASE No. 48759 of 2023

BETWEEN:-

**SACHIN SINGH BHADOURIYA S/O SHRI
RAGHVENDRA SINGH BHADOURIYA,
AGED ABOUT 22 YEARS, OCCUPATION:
STUDENT, R/O PURANI VAKEEL
COLONY AWADHPURA ROAD KAMPOO
LASHKAR GWALIOR (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI HARSHIT SHARMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
UNIVERSITY (JI) DISTRICT GWALIOR
(MADHYA PRADESH)**
- 2. ANUJ RAJAWAT S/O SHRI KUNWAR
SINGH RAJAWAT, AGED ABOUT 20
YEARS, OCCUPATION: STUDENT R/O-
RANIPURA CHAAR SEHAR KA NAKA
HAJIRA DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI R.S. KUSHWAHA – DEPUTY ADVOCATE GENERAL FOR
RESPONDENT NO.1/STATE)***

***(BY SHRI KULDEEP SHARMA – ADVOCATE FOR THE RESPONDENT
NO.2/COMPLAINANT)***

Reserved on : 21/12/2023

Pronounced on : 07/02/2024

This petition having been heard and reserved for order coming on for pronouncement this day, this Court passed the following:

ORDER

With consent heard finally.

1. The present petition under Section 482 of the Cr.P.C. has been preferred by the petitioner for quashment of the FIR vide Crime No.250/2023 registered at Police Station University (JI), Gwalior for the offence punishable under Sections 294, 323, 506 and 34 of the IPC and all consequential proceedings.
2. During the pendency of this petition, an application (vide I.A. No.20623/2023) under Section 320 (2) of the Cr.P.C. was preferred by the petitioner for grant of permission to enter into compromise and compound the offence between petitioner/accused and complainant/victim.
3. It is the submission of learned counsel for petitioner that prosecution case as has been recited in the FIR indicates that complainant was subjected to ragging by the petitioner namely Sachin Singh Bhadouriya and other accused persons namely Sumit Gurjar, Uday Bhadouriya and Veer Gurjar. Sumit Gurjar gave a *Danda* blow to the victim who sustained contusion over

his right eye and others caused *Marpeet*. Therefore, offence primarily under Section 323 of the IPC with the aid of Section 34 was preferred. According to the petitioner, he has been falsely implicated. No grievous hurt has been caused to the complainant and case is compoundable in nature.

4. It is also submitted that the petitioner has applied for the post of ASI/Steno, Head Constable/Ministerial in Central Industrial Security Force (CISF) and intends to apply for other employments, therefore, this case may haunt him in future.
5. While referring the application for compounding vide I.A. No.20623/2023, petitioner submitted that petitioner and complainant intend to enter into a compromise to bury the hatchet, once and for all, if any exists.
6. Learned Deputy Advocate General for the respondent No.1/State opposed the prayer. According to him, ragging is an Institutional and Social Menace, it needs to be curbed and persons responsible for it should be dealt with severely, so that others may learn the lesson. Because of ragging, many innocent students suffer and sometimes they leave the Educational Campus. Sometimes, even suicide is committed by some students.
7. At this stage, learned counsel for the petitioner fairly submitted that petitioner has regrets because he has been implicated with such allegations. Although, it was not the case as projected by the police, but he learnt the lesson hard way and he is ready to abide

by the terms and conditions as imposed by this court. Petitioner is also ready to perform community service to purge his misdeeds, if any and to convey the message to his fellow beings, who are senior in different courses in Jiwaji University Gwalior that ragging is a Social Menace and seniors should not misuse their position to torture juniors and torment their career. Seniors are meant to mentor the juniors.

8. Learned counsel for the petitioner Shri Harshit Sharma placed “UGC Regulations on curbing the Menace of Ragging in Higher Educational Institutions 2009”, All India Council for Technical Education (AICTE) Regulations against Ragging 2009, as well as Medical Council of India (Prevention and Prohibition of Ragging in Medical Colleges/Institutions) Regulations 2009, vide notification dated 03.08.2009. He also referred different judgments of Apex Court specially in the case of **Vishwa Jagrati Mission through President Vs. Central Government through Cabinet Secretary and others** reported in AIR 2001 SC 2793 and **University of Kerala Vs. Councils, Principals, Colleges, Kerala and others** reported in (2009) 17 SCC 753.
9. He fairly submitted that a lesson should be received by the petitioner but his career may not be jeopardized because of such allegations. He relied upon the judgments rendered by the Apex Court in the cases of **B.S. Joshi and others Vs. State of Haryana and another** reported in (2003) 4 SCC 675, **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and**

others Vs. State of Gujarat and another reported in (2017) 9 SCC 641/(2018) 1 SCC (Cr.) 1 and **Narindra Singh and others Vs. State of Punjab** reported in (2014) 6 SCC 466/(2014) 3 SCC (Cr.) 54.

10. Learned Deputy Advocate General on behalf of the State further submitted that if the petitioner is ready to perform community service and further undertakes that he would show proper disposition and respect for his juniors in the educational premises, then appropriate order can be passed in view of the judgments of Apex Court from time to time.
11. Both the counsel for parties prayed for issuance of suitable directions to check ill-effects of ragging.
12. Heard learned counsel for the parties at length and perused the documents appended thereto.
13. This is a case where complainant is pursuing Bachelor in Business Administration (Semester – IV, BBA) at Jiwaji University, Gwalior. As per contents of complaint, on 26.06.2023 when complainant reached to premises of University to attend lectures, the students of Semester – VI of BBA who are seniors to him including petitioner, started abusing him and called him for ragging because they wanted him to dance while removing his clothes and when he did not succumb to their demand, then they started beating him.
14. Thereafter, complainant made a complaint to H.O.D. of B.B.A.,

Jiwaji University, Gwalior and over his complaint, Disciplinary Committee was convened. It took the statements of complainant and delinquents and thereafter, matter was referred to Anti-Ragging Committee. Members of Anti-Ragging Committee gave their report and concluded that it does not appear that incident of ragging occurred in the premises.

15. Be that as it may.
16. Core question still exists that ragging in all its forms is a Social and Institutional Menace. As per the judgment of Apex Court in the case of **University of Kerala (supra)** Ragging is a set of Undisciplined Activities undertaken by the seniors to break the Ice with the juniors who have been suddenly thrown into a totally new environment. Judgment further says that Ragging is a form of systematic and sustained Physical, Mental and Sexual abuse of freshers (students) at the Colleges/Universities/Any other Educational Institutions at the hands of senior students of the same institution and sometimes even by outsiders to give it more and to give it another dimension. Apex Court continues by elaborating it in following manner:-

“Ragging is a display of noisy, disorderly conduct and great high spirits considered by Perpetrators (Raggers) as Excellent Fun and by many outsiders as a bloody nuisance.”

17. In sum and substance, introduction, interaction or intermingling of junior students with seniors was initially conceived as an

attribute of ragging. And Yes, it served the purpose well specially in professional colleges like Medical and Engineering Colleges, where introduction in somewhat funny manner made the juniors comfortable, so that seniors may act as their Mentor and nuances of subjects and profession were learnt by juniors from seniors. Exchange of Study Notes and Teaching Material were norms of the day. Even at times, in absence of teachers, seniors acted as Tutors for juniors. This practice may still be prevalent in some campuses, but many of the Educational Premises at times suffer from manifestation of Arrogance, Frustration and Perversion of miscreants/seniors who derive sadistic pleasure in humiliating, harassing and intimidating their junior colleagues.

18. Such deviant behaviour at times persuades the juniors to leave that campus and sometimes, they go into depression. Many instances were reported where some students committed suicide because they could not tolerate insult and intimidation at the hands of seniors.
19. Peculiarity of this phenomena is that the junior student who is subjected to ragging cannot avoid either going to the campus or to the classes, therefore, he has to encounter the Perpetrators regularly. If junior is residing in a hostel of Education Campus then his harassment turns manifold; day in and day out.
20. Since corporal punishments cannot be inflicted, therefore, other Informal Social Controls are required to be devised beside other penal /regulatory actions as suggested by different Regulations as

referred above. Letter and spirit of orders passed by the Apex Court from time to time in such similar matters are also required to be followed. In the present case, Jiwaji University, Gwalior also framed Ordinance No.15 under Section 37 of the Madhya Pradesh Vishwavidhyalaya Adhiniyam, 1973 as “**Maintenance of Discipline amongst the students of the University Teaching Department**”. It is high time that such ordinance be implemented effectively and rigorously and if required, all Universities should update their ordinance regarding Maintenance of Discipline according to the time and challenges.

21. Use of Informal Social Controls have been discussed in detail by this Court in a recent judgment passed in the case of **Virendra Singh Rana and others Vs. State of M.P. and another (MCRC No.10745/2023)**. Although those Informal Social Controls were discussed in the case of suicide committed by a school student, nonetheless those Informal Social Controls can be applied in college campuses also, beside other Regulatory and Penal Provisions. This court intends to clarify that other Regulatory and Penal Provisions also required to be applied to act as deterrent for Perpetrators to think twice before committing such abusive acts.
22. Apex Court in the case of **Vishwa Jagriti Mission (supra)** and **University of Kerala (supra)** given much valuable suggestions in which some of the suggestions are worth reiterating for contemplation for the university and other institutions. Such suggestions have been given in the case of **University of Kerela**

(Supra) which reads as under:-

“(ii)Suggestion No.5.16: We recommend that on the arrival of senior students after the first week or after the second week as the case may be, further orientation programmes must be scheduled as follows (i) joint sensitization programme and counseling of both 'freshers' and senior by a Professional counselor; (ii) joint orientation programme of 'freshers' and seniors to be addressed by the principal/Head of the institution, and the anti-ragging committee; (iii) organization on a large scale of cultural, sports and other activities to provide a platform for the 'freshers' and seniors to interact in the presence of faculty members; (iv) in the hostel, the warden should address all students; may request two junior colleagues from the college faculty to assist the warden by becoming resident tutors for a temporary duration; and, the UGC and other funding bodies should provide financial grants for meeting the expenditure on resident tutors (v) it is strongly recommended that as far as possible faculty members should dine with the hostel residents in their respective hostels to instill a feeling of confidence among the fresh residents.”

“(iii)Suggestion No.1.18: We recommend that every institution must have an Anti-Ragging Committee and an Anti-Ragging Squad. It is essential to have a diverse mix of membership in terms of levels as well as gender in both the Anti-Ragging Squad as well as Anti-Ragging Committee.

The Anti-Ragging Committee at the level of the institution should consist of the representatives of Civil and Police Administration, Local Media, Non-Government Organizations involved in youth activities, representatives of faculty belonging to the freshers' category as well as seniors, non-teaching staff and should be headed by the Head of the Institution. The Anti-Ragging Squad, in contrast, should be a body with vigil oversight and patrolling functions and should appropriately be a smaller body which should be nominated by the Head of the Institution with such representation as considered necessary to keep it mobile, alert and active at all time. The Squad may be called upon to make surprise raids on hostels and other hot spots and should be empowered to inspect places of potential ragging. The Squad should work under the overall guidance of Anti-Ragging Committee. The Squad should not have any outside representation and should only consist of members belonging to the various sections of the campus community.”

“8. Each batch of freshers should be divided into small groups and each such group shall be assigned to a member of the staff. Such staff member should interact individually with, each member of the group on a daily basis for ascertaining the problems/difficulties if any faced by the fresher in the institution and extending necessary help. By building up rapport with each member of the group

teaches or other members of the staff would be able to infuse confidence in the freshers and make them feel at home so as to enable them to report incidents of ragging or bullying. Each group in-charge shall maintain a diary of his/her interaction with the freshers under his/her charge;

11. A ragging takes place mostly in the hostels after the classes are over in the college. A round the clock vigil against ragging in the hostel premises shall be provided;

12. It is necessary that parents/guardians of freshers assume responsibility for promptly bringing to the notice of the Head of the Institution any instance of ragging.

19. A committee be appointed comprising one or more eminent psychiatrists / psychologists / mental health specialists, a documentary maker and educationalists from various fields, to (i) ascertain the psychological impact of ragging on students; (ii) to ascertain reasons and circumstances under which senior students resort to ragging; (iii) assess and quantify the impact of ragging and indiscipline on the standard of education in an institution and relate it to the existing procedure used by MCI, UGC and other regulatory bodies to assess the suitability of an institution for recognition;and (iv) recommend urgent and mandatory mental health measures to be implemented in, and practiced by school, colleges and all educational and vocational institutions, so as to aid the occurrence of ragging.”

23. Similarly, AICTE vide Regulation dated 25.03.2009 also proposed actions to be taken against students for indulging, abetting and ragging in Technical Institutions, Universities including Deemed to be University imparting Technical Education:-

1. *The punishment to be meted out to the persons indulged in ragging has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents. The students who are found to be indulged in ragging should be debarred from taking admission in any technical institution in India.*
2. *Every single incident of ragging a First Information Report (FIR) must be filed without exception by the institutional authorities with the local police authorities.*
3. *Depending upon the nature and gravity of the offence as established by the Anti-Ragging Committee of the institution, the possible punishments for those found guilty of ragging at the institution level shall be any one or any combination of the following.*
 - (i) *Cancellation of admission*
 - (ii) *Suspension from attending classes*
 - (iii) *Withholding/withdrawing scholarship/fellowship and other benefits*
 - (iv) *Debarring from appearing in any test/examination or other evaluation process*
 - (v) *Withholding results*
 - (vi) *Debarring from representing the institution in any regional, national or international meet, tournament,*

youth festival, etc.

(vii) Suspension/expulsion from the hostel

(viii) Rustication from the institution for period ranging from 1 to 4 semesters

(ix) Expulsion from the institution and consequent debarring from admission to any other institution

(x) Fine of Rupees 25,000/-

(xi) Collective punishment: when the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.

- 4. The institutional authority shall intimate the incidents of ragging occurred in their premises alongwith actions taken to the Council immediately after occurrence of such incident and inform the status of the case from time to time.*
- 5. Courts should make an effort to ensure that cases involving ragging are taken up on priority basis to send the correct message that ragging is not only to be discouraged but also to be dealt with sternness.*

24. Although Hon'ble Supreme Court of India and various regulatory bodies like UGC, MCI, AICTE issued guidelines from time to time which are part of synopsis filed by the counsel for the petitioner, but it is time to reiterate and re-calibrate according to situation by the Universities/Management of Colleges.

25. No leniency ought to be shown in respect of ragging because it affects the Physical, Mental and Emotional framework of a student and this is severe violation of Human Rights. A senior

cannot be permitted to crush the spirit and talent of a junior student who may not blossom because of deviant behaviour of some senior, just for fun and to impress his peers. Such physical and psychological bullying needs to be curbed so that any talent may not go waste at the alter of peevish pleasure of pervert seniors. Authorities have to be careful about one more fact that of false implication. Any student should not suffer on false pretext, so that remedy should not become a curse.

26. Before this Court on 02.11.2023, father of petitioner alongwith petitioner appeared and tendered unconditional apology for alleged misconduct committed by the petitioner. They had regrets for such misunderstanding and undertook to purge misdeeds, if any, of the petitioner by performing community service.
27. Earlier Jiwaji University, Gwalior was directed to file status report. In compliance thereof, Registrar of University filed status report including copy of **Ordinance No.15** as well as proceedings undertaken by Committee on complaint made by the complainant. University appears to have taken prompt response.
28. Petitioner and complainant have been referred to the Principal Registrar of this Court to ink down their identity and intent for reaching to settlement. Both the parties expressed their desire to settle the matter because they do not want to prosecute the case further. All offences are primarily compoundable in nature. Beside that, even in cases of non-compoundable offences with certain exceptions, Supreme Court permits for compounding of cases, the

Constitutional Courts can exercise extraordinary power. [See:- **State of Madhya Pradesh Vs. Laxmi Narayan and others** reported in (2019) 2 SCC (Cr.) 706, **Gian Singh Vs. State of Punjab** reported in (2012) 10 SCC 303 and **Jagdish Channa & others Vs. State of Haryana & another** reported in AIR 2008 SC 1968].

29. University and Management are required to call the parents of Perpetrators or Senior Students who show such deviant behaviour and if their parents are called for counseling, then this may act as an Informal Social Control measure over those students. This way 'Ego' of that Ragger/Perpetrator would melt and he may be afraid of such development because students do not prefer their parents to be called in their Institution/Campus for their deviant behaviour as it shows them as vulnerable and fallible.
30. Since the petitioner is a young boy and has regrets for his alleged deviant behaviour and intends to perform community service, therefore, the application for compounding preferred by petitioner namely Sachin Singh Bhadouriya and complainant namely Anuj Rajawat is hereby allowed. Consequently, petition under Section 482 of the Cr.P.C. stands **allowed**. Resultantly, FIR vide Crime No.250/2023 for offence under Sections 294, 323, 506 and 34 of the IPC so far as it relates to present petitioner Sachin Singh Bhadouriya is hereby **quashed**. For other accused persons, F.I.R. is to be kept pending.
31. However; petitioner shall have to perform **7 days community**

service in Library of Jiwaji University where he will help the Librarian for arrangements of books properly from 10:30 am to 2:30 pm or in his free time for at least 4 hours daily for seven days. Meanwhile, he may read some self-help books also for his course correction, so that he may introspect about his deviant behaviour and would ensure that he gets some insight for his future course of action, so that he may become a good citizen in future rather than a liability. Such melting of 'Ego' may make petitioner a better person for posterity.

- 32.** A report shall be submitted by the Registrar of the Jiwaji University, Gwalior about 7 days' sojourn before this Court. Registrar, Jiwaji University, Gwalior is further directed to submit a detail report within 3 months about the various steps taken by the University to tackle the menace of ragging in the University and/or in the premises of different colleges falling under the jurisdiction of the Jiwaji University. Same be placed **on 6th of May, 2024** for consideration of this Court under the caption "Directions".

(ANAND PATHAK)
JUDGE