



1

WA-2179-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 29th OF JUNE, 2026WRIT APPEAL No. 2179 of 2025*STATE OF MADHYA PRADESH AND OTHERS**Versus**SMT ANUSHA DEEPAK TYAGI AND OTHERS*

Appearance:

Shri Ankur Mody- Additional Advocate General assisted by Shri Rajendra Jain- GA for the appellants/State.

Shri Yogesh Chaturvedi- Advocate for respondent no. 1

Shri Praveen Kumar Newaskar- Dy. Solicitor General for respondents no. 2,4 and 5.

Shri Saurav Jain- Advocate for respondent no. 3.

Shri Prashant Sharma- Advocate for respondent no. 7.

Shri Rajmani Bansal- Advocate for respondent no. 9.

Shri DPS Bhadauriya- Advocate for respondent no. 10.

Shri Chetan Kanoongo- Advocate for respondents no. 12 and 13.

ORDER

Per. Justice Ashish Shroti

Appellants/State of Madhya Pradesh has filed this appeal under Section 2(1) of Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005 challenging the order dated 15/7/2025 passed by learned Single Judge in W.P. No.5625/2020, whereby, they have been directed to pay compensation of Rs.5 lakh to respondent no.1/writ petitioner on account of inaction on their part in registering FIR.

2. Facts necessary for decision of this case are that the respondent no.1 was



working as Yoga Instructor (Female) in respondent Laxmi Bai National Institute of Physical Education, Gwalior (in short 'Institute') since 2015. She made a complaint regarding her sexual harassment by respondent no.7, who was Vice-Chancellor of the Institute at that point of time. The complaint was taken up by the Internal Complaints Committee (ICC) and a report has been submitted to Secretary, Department of Youth Affairs & Sports, New Delhi. For the purposes of decision of this appeal, the enquiry conducted by ICC is not relevant and need not be deliberated in detail. Suffice it to mention that the said part of the order was challenged in a separate writ appeal by respondent no.7 and this Court by the order of even date has set aside the order passed by learned Single Judge in view of pendency of appeal filed by respondent no.7 against the recommendations of ICC.

3. Apart from making complaint to ICC, the respondent no.1 also approached the Station House Officer of Gole Ka Mandir Police Station, Gwalior on 14/10/2019 complaining about the sexual harassment by respondent no.7 and others. She also made a complaint to Superintendent of Police, Gwalior on 15/10/2019. Yet another complaint was made by her to Superintendent of Police, Gwalior and SHO on 18/10/2020.

4. When the FIR was not registered by the Police, the respondent no.1 filed an application under Section 156(3) of Cr.P.C. before the Judicial Magistrate First Class (JMFC), Gwalior. The learned Magistrate called for the status report from the Police and ultimately final order dated 21/11/2021 was passed in the case. The learned Magistrate prima-facie found that the allegations made by respondent no.1 makes out a cognizable offence, however, it would not be appropriate to issue directions under Section 156(3) of Cr.P.C., instead, it was directed that complaint made by respondent no.1 shall be treated as complaint under Section 200 & 202 of Cr.P.C. and shall be considered on the question of registration of complaint.



5. Being aggrieved by the order passed by JMFC, respondent no.1 approached this Court by filing M.Cr.C. No.63392/2021. This Court dismissed the case vide order dated 6/1/2022 upholding the order passed by JMFC.

6. The respondent no.1, still aggrieved, approached Hon'ble Supreme Court by filing SLP (Cr.) No.1674/2022. Leave was granted by the Apex Court and case was registered as Criminal Appeal No.1184/2022. Hon'ble Supreme Court did not approve the action of Police as also the orders passed by the JMFC and by this Court. The Apex Court directed the Police to register an FIR on the complaint made by respondent no.1 and to take further action in accordance with law. Order passed by this Court was set aside.

7. While the aforesaid litigations were pending, respondent no.1 filed present writ petition praying for following reliefs:-

"7.1 That by the issuance of a writ in the nature of "Mandamus" the Hon'ble High Court may be pleased to direct the Respondents to provide a safe working environment.

7.2 That by issuance of a writ in the nature of "Mandamus" the Hon'ble High Court may be pleased to direct the Respondents to treat sexual harassment as misconduct under the service rules and initiate action for misconduct against respondent no. 6.

7.3 That by issuance of a writ in the nature of Mandamus the Hon'ble High Court may be please to direct the Respondents to conduct fair enquiry upon the complaints/applications of the petitioner by superior authority of the respondent no.6.

7.4 That by issuance of writ in the nature of Mandamus the Hon'ble High Court may be pleased to direct the Respondents to no coercive action taken against the petitioner on the basis of false complaint and set aside/ or declared void the all malicious proceeding against the petitioner after the complaint of harassment.

7.5 That by issuance of a writ in the nature of Mandamus the Hon'ble High Court may be please to direct the Respondents to declared the



committee null & void which constituted by the Respondent no. 6. And removed all the remarks which mentioned by the respondents in the personal file of the petitioner.

7.6 Any other writ direction order as may be deemed fit in the circumstances may also be awarded along with the cost of litigation.

7.7 That the suitable directions may kindly be issued to the respondent 1 and 2 to take the action against the respondent No. 6 to 10 in pursuance to the report of ICC Annexure-P/26. Annexures-P/30, 31, 32 and 33 may kindly be quashed and the necessary directions may kindly be issued for granting the salary to the petitioner from November 2019 to 15 December 2020. The Compensation amount (2 years of the salary) of the petitioner be recovered from the respondents as per section 15 of the Act 2013 and the show cause notice ANNEXURE-P/8 dated 27-9-2019 issued by respondent No. 7 under the influence of respondent No. 6 may kindly be quashed and heavy cost be imposed on the respondents for not adhering the relief to the petitioner immediately in pursuance to the Act 2013.

That the respondent no.1 may kindly be further directed to attach, transfer or send on deputation to the petitioner with the Ministry of Youth Affairs and Sports, New Delhi as already LNIFE, Gwalior deputed 02 other staff members (contractual) in the Ministry office (SP-VI) - New Delhi or Transfer/Suspend the respondents 06-10 from the LNIFE, Gwalior campus in concern of safe working environment of the petitioner in the interest of justice."

8. A perusal of reliefs prayed for in the writ petition shows that respondent no.1 has not prayed for any specific relief against the appellants particularly the relief for grant of compensation. In clause 7.7 only, issuance of direction was sought to respondent no.1 & 2 to take action against respondent no.6 to 10 as per report of ICC.

9. It be noted here that the writ petition was filed on 29/02/2020 when the matter was pending before the ICC and before the Police authorities. The ICC submitted its report on 21.09.2020. Accordingly, the respondent no.1 amended her



writ petition. The amendment was allowed by learned Single Judge on 26/6/2021. This was the time when the matter regarding registration of FIR was pending before learned JMFC. Therefore, there was no occasion for the petitioner to have asked for any relief against the Police Authorities. Meaning thereby, there was, infact, no relief prayed for by respondent no.1 in her writ petition against the Police authorities.

10. Learned Single Judge passed the impugned order on 15/7/2025, whereby, following directions have been issued:-

"40. Thus, this Court holds that the petitioner was subjected to sexual harassment at her workplace and no steps were taken by the respondent No.2/Institute in timely extending justice to the petitioner, which had deprived her valuable time, energy & reputation and respondent No.2/Institute had let its administration being controlled by a person, who was not even fit to be kept in service of any nature.

41. This Court also holds that the police authorities are responsible for not taking action in time on the complaint made by the petitioner and had waited for three long years to register a crime, that too upon directions of the Apex Court, which had added to the agony of the petitioner, thus, had also made liable to be penalized.

42. In the obtaining facts and circumstances of the case, it is held that the petitioner was subjected to unwelcome sexual harassment at her workplace, which comes within the meaning of Section 2(n) and Section 3(2) of the Act of 2013.

43. Respondent No.6 is directed to pay compensation to the tune of Rs.35 Lakhs towards loss of salary for two years, pain & suffering, loss of reputation and emotion distress forthwith.

44. A sum of Rs.1 Lakh as penalty is imposed upon the Institute for not taking appropriate action in timely extending justice to the petitioner at her workplace, which shall be paid within a period of four weeks from the date of order of pronouncement.

45. So far as part of the police authorities is concerned, in the light of judgment passed by the Apex Court in the matter of Lalita Kumari v



Government of Uttar Pradesh reported in (2014) 2 SCC 1, this Court finds that when a report of cognizable offence was made by the petitioner, what was necessary of the police officials to have registered the crime, as the information given to the police had disclosed the commission of a cognizable offence, but it had failed to do so.

46. Thus, this Court finds that the inhumane and unsympathetic behaviour shown by the police officials makes them also liable for penalty. Accordingly, the State is directed to pay a compensation of Rs.5 Lac to the petitioner within a period of four weeks from the date of order of pronouncement, which shall be recovered from erring officials from their own pocket.

47. It is also directed that if the petitioner, still wants to be shifted to some other institute, respondent No.1 is directed to consider her prayer and post her to some other place of her choice."

11. A perusal of entire order passed in writ petition shows that there is no discussion with regard to action/inaction on the part of police authorities. Only in paragraph 41, writ Court held Police Authorities responsible for not taking timely action for a period of three years. Having held so, in paragraph 46, Writ Court has directed for payment of compensation of Rs.5 lakh to respondent no.1 by the State of M.P., which could be recovered from the erring officials. This direction of learned Writ Court is under challenge in the present appeal.

12. Learned Additional Advocate General challenged the directions issued by Writ Court primarily on the ground that the findings recoded in the impugned order that the Police Authorities failed to take action for three years is not sustainable inasmuch as the decision not to register FIR was taken promptly and, thereafter the matter remained pending before various courts. It is his submission that the decision of Police authorities is ultimately not approved by Apex Court, however, there was no delay on the part of Police authorities. It is his submission that the action of Police Authorities was in fact upheld by JMFC as well as by this



Court and it is only by virtue of the order passed by Hon'ble Supreme Court, the FIR was registered. Thus, it is his submission that the finding about inaction on the part of Police Authorities for three years is unsustainable.

13. On the other hand, learned counsel for respondent no.1 supported the impugned direction. As per his submission learned Magistrate has recorded a finding that the allegations made by respondent no.1 makes out a cognizable offence, still directions were not issued under Section 156(3) of Cr.P.C. Referring to paragraph no.16 to 18 of the order passed by Supreme Court, he submitted that the inaction on the part of Police Authorities has been deprecated by the Supreme Court. He thus submitted that learned Single Judge was perfectly justified in issuing the impugned directions against appellants.

14. Considered the arguments and perused the record.

15. As noted above, the writ petition was filed on 29/02/2020 when the matter was pending before the ICC and before the Police authorities. Only relief contained in para 7.1 to 7.6 were prayed for. The ICC submitted its report on 21.09.2020. Accordingly, the respondent no.1 amended her writ petition. The amendment was allowed by learned Single Judge on 26/6/2021 and relief clause no.7.7 was added. This was the time when the matter regarding registration of FIR was pending before learned JMFC. Therefore, there was no occasion for the petitioner to have asked for any relief against the Police Authorities. Meaning thereby, there was, infact, no relief prayed for by respondent no.1 in her writ petition against the Police authorities.

16. Since, there was no relief claimed by respondent no.1 in the writ petition against the Police Authorities, the impugned direction issued by learned single Judge directing appellants/State to pay compensation to respondent no.1 is not justified. Infact, as discussed above, the decision of Police authorities though has



not been approved by Apex Court, by they are not guilty of inaction for three years, as observed in impugned order by writ court. Thus, impugned direction of learned Single Judge, without there being any relief claimed against the Police authorities in the writ petition, is unsustainable.

17. Further, when the FIR was not registered by the Police on her complaint, the respondent no.1 approached JMFC under Section 156(3) of Cr.P.C. This was somewhere in the year 2021. The matter was concluded by JMRC vide order dated 21/11/2021. Thereafter, M.Cr.C. No.63392/2021 was filed by respondent no.1 before this Court, which was decided on 6/1/2022 and then the matter was pending before the Apex Court till 5/8/2022. Thus, since the matter was under consideration before various Courts, the observation of Writ Court that the action was not taken by the Police for three years, is not found to be just and proper.

18. It is worth noting here that we have set aside the other directions issued by learned Single Judge in writ petition by a separate order of even date passed in W.A. No.2332/2025 which was filed by respondent no.7. The matter has been relegated to the appellate authority under the Sexual Harassment of Woman at Work Place (Prevention, Prohibition and Redressal) Act, 2013.

19. In view of the discussion made above, we are of the considered opinion that the direction issued by learned Single Judge for payment of compensation to respondent no.1 by the appellants is not sustainable. The direction as contained in para 46 of the impugned order is therefore, set aside. Writ appeal is allowed to the extent indicated hereinabove.

(ANAND PATHAK)
JUDGE

(ASHISH SHROTI)
JUDGE

