IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN
&
HON'BLE SHRI JUSTICE AMIT SETH

ON THE 10th OF JULY, 2025

WRIT PETITION No. 18528 of 2025

RAJNEESH CHATURVEDI
Versus
HIGH COURT OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Narinder Pal Singh Ruprah - Senior Advocate with Ms. Muskan Anad - Advocate for petitioner.

Shri Rajvardhan Dutt Pararha - Government Advocate for State.

ORDER

Per*: *Justice Atul Sreedharan

The present petition has been filed by the petitioner aggrieved by the order dated 18/05/2024 passed by respondent No.1, whereby the High Court filed the complaint (as non-actionable) preferred by the petitioner against a Judge of the District Judiciary (respondent No. 2 herein) without giving any reasons.

2. The petitioner in this case was prosecuted and tried before respondent No.2 Ms. Khalida Tanveer, the then Judicial Magistrate First Class, Umariya,

interalia for an offence under Sections 332 IPC (for which he was convicted). The petitioner was proceeded against on the basis of FIR being Crime No.12/2015, Police Station Umariya Kotwali, District Umariya, which led to the registration of RCT No.600115/2015 in which the petitioner was tried and acquitted for offences under Sections 294 and 506 (II) IPC, but was held guilty for offence under Section 332 IPC. It may be mentioned here that Section 332 IPC relates to an offence against a public servant acting in the discharge of his duties. The judgment of conviction and sentence is dated 10.12.2022 (Annexure P/2).

3. Undisputedly, an appeal has been filed against the judgment of conviction and sentence dated 10.12.2022 which is pending before the Ld. Court of Sessions at Umariya. While the said appeal was pending, a complaint (Annexure P/12) dated 09.02.2024 was preferred before the High Court by the Petitioner against the respondent No.2, which is Annexure P/12, addressed to the Registrar (Vigilance). In the said complaint, the petitioner has gone on record stating that three eye witnesses produced before the trial Court did not implicate the petitioner for the offence under Section 332 IPC. The complainant further stated that the respondent No.2 had allegedly assured the petitioner that it was not necessary to produce any defence witnesses as none of the prosecution witnesses have implicated him. He further states that the respondent No.2 “openly” told him that two witnesses have become hostile and the cross-examination of the third witness could not be done. Therefore, there was no point in the petitioner bringing any evidence in his defence. He further states that the respondent No.2 behaved in a manner as though petitioner was completely innocent and that she was going to pass an order of

acquittal, which she is alleged to have assured the petitioner several times during the course of the trial proceedings. He has thereafter expressed his surprise upon being convicted. He further states that it gave him an impression that the respondent No.2 is not conducting her Court honestly and fairly and that an enquiry deserves to be ordered against respondent No.2.

4. The complaint was examined on the administrative side by this Court and thereafter the matter was placed before the Lord Chief Justice, who perused the complaint and directed that the matter be filed. The learned senior counsel for the petitioner submits that the petitioner is aggrieved by the manner in which his complaint has been dealt with by this Court as the same has been filed without passing a reasoned order by the Chief Justice. In other words, the petitioner through his counsel has argued, that even an administrative order passed by this court must be reasoned, disclosing what prevailed in the mind of the Chief Justice while passing the said order and the same being unreasoned, deserves to be set aside and the matter be remanded for disposal of the complaint in accordance with law by a reasoned order.

5. In support of his contentions, learned senior counsel appearing on behalf of the petitioner has drawn the attention of this Court to the judgment of the Hon'ble Supreme Court passed in ***M/s Kranti Associates Pvt. Ltd. and another Vs. Masood Ahmed Khan and others(2010) 9 SCC 496***.

6. Before going through the legal aspects of the case, it is essential to give a brief factual background of the case in ***M/s Kranti Associates Pvt. Ltd.*** (supra). That was a case where the orders were passed by the National Consumer Dispute Redressal Commission against which both the parties had

approached the Supreme Court. Thus, it is clear that the said judgment of the Supreme Court was passed in a case where a judicial order passed by the National Consumer Dispute Redressal Commission was under challenge. Specifically, learned senior counsel for the petitioner has referred to paragraph 12 of the judgment, where the Supreme Court held that reasons have to be given by a body or authority in support of its decision. It further held that in the numerous cases that have come up before the Supreme Court, initially a sort of demarcation was recognised between administrative orders and quasi-judicial orders, but with the passage of time, the distinction between the two got blurred and virtually reached a vanishing point. Thereafter, the Supreme Court held that an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, "must speak". Ld. Senior Counsel appearing for the petitioner also drew the attention of this court to paragraph 47 of the said judgment which summarized the essential requirements of an order. A specific reference was made to the observation of the Supreme Court in paragraph 47 (f) where the Supreme Court held that reasons are an indispensable component of a decision-making process by judicial, quasi-judicial and even administrative bodies. On this observation of the Supreme Court, learned Senior Counsel appearing on behalf of petitioner has submitted that even an administrative order is questionable if the reasons for arriving at a particular decision are absent or deficient.

7. The second judgment referred to by the learned senior counsel for the petitioner is ***Mohinder Singh Gill and another Vs. The Chief Election Commissioner, New Delhi and others*** (1978)1 SCC 405, where the Supreme Court, in paragraph 8, referring to another judgment of the Supreme Court

itself, passed in ***Gordhandas Bhanji's*** case (***Commissioner of Police, Bombay Vs. Gordhandas Bhanji AIR 1952 SC 16)*** held that "public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order, of what he meant, or of what was in mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to effect the acts and conduct of those whom they are addressed and must be construed objectively with reference to the language used in the order itself."

8. In ***Mohinder Singh Gill's*** case, a five-Judge Bench of the Supreme Court was concerned with an election case which culminated in the final declaration of the returned candidate. On the basis of these judgments, the observations therein and the ratio laid down by the Hon'ble Supreme Court, which require judicial, quasi-judicial and administrative orders to reflect the application of mind, must be speaking, to the extent that the order must disclose the reasons for its passing. It is trite law that if orders of judicial, quasi-judicial and administrative authorities are passed without adequate reasons, they may be examined by this Court under Article 226 of the Constitution and set aside if need be. Learned senior counsel has argued that once the complaint was made to the High Court alleging against respondent No.2, undoubtedly the Court was well within its rights on administrative side to file the complaint. However, the said order by which the complaint is filed, must be a speaking order reflecting the application of mind of the Chief Justice as to why the said complaint was rejected.

9. We have heard the learned senior counsel for the petitioner and also perused the judgments placed before this Court.

10. The factual aspects in both the cases do not have any similarity to the case at hand. Undoubtedly, both the judgments have laid down the law that the orders passed by the judicial, quasi-judicial and administrative authorities must be speaking orders reflecting the application of mind. The only difference between three, in the humble opinion of this Court, is with regard to the last one which are administrative orders. It is not every administrative order which is deficient in reasoning that can be challenged. It is only those administrative orders, which give rise to a cause of action either by way of infringement of a statutory right or a constitutional right or any other legal right on account of which he has suffered an adversity by such an administrative order. Not every order that is passed by an executive authority can be challenged on the ground that it is a non-speaking order. For a non-speaking order to be challenged, the same must impose a statutory duty on the authority to pass a speaking order or, the same must result in the violation of a statutory or constitutional right of the aggrieved. In other words, before an order passed by an administrative authority/office can be challenged on the grounds that it is a non-speaking order, it is necessary that the said order must either result in the violation of a legal or a constitutional right of the person challenging such an order or it must, in some way violate an existing right of a person giving rise to an actionable claim against the state or its instrumentality, before such an order can be challenged under the writ jurisdiction for being non-speaking.

11. The authority to examine the allegations against a Judge of the District Judiciary is the exclusively prerogative of the High Court. A complainant merely does the work of a messenger by bringing to the notice of the High Court the error on the part of the Judge. The wrong if any, committed by the erring Judge acting in his/her judicial capacity, its cognizance can only be taken by the High Court. The complainant is not a person aggrieved when he or she intimates the High Court to act against the erring Judge for his judicial decision and the role of the complainant comes to an end with the complaint being preferred before the High Court. Whether or not to act against such a judge of the District Judiciary on the administrative side, is not a legal right vested in the complainant, but the prerogative of the High Court under article 227.If a person is aggrieved by the actions of a judge which are not related to the discharge of his official functions, and the person so aggrieved on account of a legal right which has been infringed on account of the non-judicial action of the judge, he may be a person aggrieved and in such a case, there exists alternative remedy against the judge. An example in this regard may be a case where a Judge of the District Judiciary is accused of assaulting a private citizen for which there is alternate remedy which may exist in tandem with the right of the High Court to examine the actions of the Judge on the administrative side also. This Court has gone through the complaint filed by the petitioner before the High Court. It mentions all facts which are absolutely unverified, preposterous and fanciful. The allegation is with regard to an undertaking given by the judge (respondent No.2) that the petitioner would not be required to produce the defence witnesses as the prosecution evidence itself is inadequate to convict. No reference with regard to place, time, date or where such statements were made is given in the complaint.

12. This Court feels that the ostensible reason for filing the complaint is for acting against the judge of the district judiciary. The actual reason appears to be to get a finding on the factual aspects relating to the case of the petitioner from this Court on the administrative side and use the same to influence the proceedings before the appellate Court, which is the Sessions Court at Umariya before whom the appeal is pending.

13. As regards the judgments placed before this Court by the learned senior counsel for the petitioner, every ratio which binds the court and all other inferior courts has to be culled from the factual background of that case. In other words, the ratio cannot be culled out in isolation of the facts. In this regard, the judgment of the Hon'ble Supreme Court in ***Haryana Financial Corporation and another Vs. Jagdamba Oil Mills and another*** (2002) 3 SCC 496 is relevant. The Supreme Court held that the Courts should not place reliance on decisions without discussing as to how the same fits in factual situation of the decisions on which reliance is placed. It went to the extent of observing that a judgment of the superior court is not to be applied as Euclid's theorems with hard and fast rules. It can also be stated that the judgment of the superior court cannot be used as a shoe that fits all sizes.

14. The act of the petitioner Rajneesh Chaturvedi is an attempt to overawe the District Judiciary by making frivolous and outrageous allegations against the respondent No. 2. As it is, the Judges of the District Judiciary of Madhya Pradesh find themselves between the devil and the deep sea. On one side it has the High Court, literally breathing down their neck, instilling in them an unwarranted fear of action on the administrative side for their judicial orders resulting in acquittals and granting bails, and on the other hand of this

spectrum, the district judiciary judges have to face such frivolous complaints from unscrupulous litigants who exploit the mindset of the High Court in order to bring pressure to bear upon the judges of the district judiciary. This is most deplorable and needs to be dealt with a heavy hand.

15. Under the circumstances, this petition is dismissed with exemplary cost of Rs.50,000/- being imposed upon the petitioner which he shall deposit in the account of the M.P. State Legal Services Authority within a period of ten days from the date on which this order is uploaded, failing which this Court shall ensure that the same is recovered from the petitioner as arrears of revenue.

16. The petition is **disposed of as dismissed**.

(ATUL SREEDHARAN)
JUDGE

(AMIT SETH)
JUDGE

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