Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5342 of 2022

Applicant :- Dhiraj Singh
Opposite Party :- Satyendra Kumar Sub Inspector And Another
Counsel for Applicant :- Rajesh Chandra Gupta,Kartikeya Saran,Satish Chandra Dubey

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 24.05.2022 in Criminal Misc. Writ Petition No. 6036 of 2022 passed the following order;

"Contention is that the informant has already instituted Original Suit No. 132 of 2021, which is pending before the court of Civil Judge (Junior Division), Khurja for cancellation of sale deed, in which notices have been issued but no injunction has been granted. Submission is that having failed to get the desired relief from the civil court, the impugned FIR is lodged with false allegations. It is stated that the entire sale consideration has been paid to Jagdish by banking transaction.

Matter requires consideration.

Notice on behalf of respondent nos.1 & 2 has been accepted by learned A.G.A.

Issue notice to respondent no.3. Steps be taken within two weeks by registered/speed post.

All the respondents may file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

List thereafter.

Till the next date of listing, subject to petitioners cooperating in the investigation no coercive action shall be taken against them pursuant to impugned First Information Report, registered as Case Crime No.441 of 2022, under Sections 420, 467, 468, 471 IPC, Police Station Khurja Nagar, District Bulandshahar."

From perusal of the order of writ Court, it transpires that an order was passed directing that the applicant was to cooperate in the investigation and no coercive action was to be taken against him pursuant to the FIR registered as Case Crime No. 441 of 2022 under Sections 420/467/468/471 IPC.

It is the case of the applicant that the opposite party despite the fact

that the applicant was granted bail by the court below had moved an application before the Additional Chief Judicial Magistrate on 01.08.2022 for issuance of B-warrant against him in the present case.

Learned Standing Counsel has invited the attention of the Court to paragraph no. 9 of the short counter affidavit filed by the State wherein it has been stated that the applicant was in bail in another case and, as such, for interrogating the applicant an application was moved for issuance of B-warrant.

As the applicant was already in jail, the application moved by the opposite party for issuance of B-warrant does not amount to violation of order of writ Court as he was not arrested in Case Crime No. 441 of 2022 in which writ Court had granted interim protection to the applicant. The applicant was languishing in jail in two other criminal cases which fact has not been disputed by the applicant.

From perusal of the material on record, this Court finds that no case for contempt is made out.

Contempt application is misconceived and dismissed, accordingly.

Order Date :- 16.10.2023
Shekhar

Digitally signed by :-
SHASHI SHEKHAR PANDEY
High Court of Judicature at Allahabad