

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7930 of 2023

Applicant :- Akansha Bhatt

Opposite Party :- Devender Goyal

Counsel for Applicant :- Gaurav Dwivedi

Hon'ble Rohit Ranjan Agarwal,J.

This Court on 27.08.2015 while dismissing the Application U/S 482 No.25422 of 2015 had passed the following order:-

"1. Heard Sri V.P. Srivastava, learned Senior Advocate assisted by Sri Abhai Saxena, learned counsel for applicant and Sri Sanjai Tripathi, learned AGA appearing for the State.

2. By means of this application under Section 482 Cr.P.C. it has been sought that this Court may be pleased to quash the entire proceeding of Case No. 20968 of 2015 (State Vs. Devendra Goel), Crime No. 605 of 2014 under Sections 354, 376, 506 IPC, PS Indirapuram, District Ghaziabad pending in the Court of Chief Judicial Magistrate, Ghaziabad.

3. Applicant is stated to be involved in the present case and also in Case Crime No. 11 of 2014 under Sections 354/354(D) of IPC, PS Madhu Vihar, New Delhi. The applicant moved Delhi High Court for anticipatory bail which was allowed by the Delhi High Court by order dated 19.05.2014 and copy of the same is annexed as Annexure No. 6 on pages 62 to 70. Thereafter, it is alleged that another FIR was got lodged on 25.04.2014 by the opposite party No. 2 against the applicant, his wife and son at District Ghaziabad for the offences under Sections 376, 511, 354, 504, 506 IPC at Indira Puram Police Station, District Ghaziabad. Then, applicant preferred writ petition before this Court being Criminal Misc. Writ Petition No. 12830 of 2014 (Devendra Goel Vs. State of U.P. and two others), which was also disposed of by this Court vide order dated 07.08.2014 directing the applicants to surrender and approach the Court below for bail in view of the Full Bench decision of this Court in the case of Amrawati and another Vs. State of U.P., 2004 (57) ALR 290. A copy of the same has been annexed as Annexure No. 8 on pages 82 to 86 of the paper book.

4. Thereafter, the applicant did not surrender and he filed another Criminal Misc. Application under Section 482 Cr.P.C. No. 32496 of 2014 which was also disposed of by this Court on 20.08.2014 with a direction that his bail application shall be considered and disposed of on the same day and it appears that the applicant did not surrender before the Court below in pursuance of the said order dated 20.08.2014 and filed Petition for Special Leave to Appeal (Crl.) No. 7319 of 2014 before Supreme Court against the order dated 07.08.2014 passed by the Writ Court in Criminal Misc. Writ Petition No. 12830 of 2014 in which his arrest was stayed by the Apex Court, a copy of the same has been annexed as Annexure No. 9 on page 88 of the

paper book. Now, charge sheet has been submitted against the applicant for the offence under Sections 354, 376, 504 IPC.

5. Sri Srivastava learned Senior Counsel for the applicant when pointed out about the non-disclosure of filing an earlier 482 Cr.P.C. Application No. 32496 of 2014, which was disposed on 20.08.2014, by the applicant after disposal of his writ petition by this Court on 07.08.2014 in the present Application under Section 482 Cr.P.C. and further when questioned whether disclosure of the said 482 Cr.P.C. was made by the applicant before the Apex Court when S.L.P. was filed there against the order of writ court dated 07.08.2014, he also could not give any reply and expressed his distress over the conduct of the applicant only and stated that he cannot justify it.

6. Learned Senior Counsel for applicant further submits that the charge sheet submitted against the applicant is baseless liable to be quashed as it is an outcome of false and fabricated complaints of the opposite party No. 2. The applicant is compelled to approach this Court and Apex Court , time and again, against the complaints of opposite party No. 2 who has been harassing him for no rhyme or reason by levelling false and frivolous allegations against the applicant, hence the charges are baseless and concocted one and the entire proceeding of this case deserves to be quashed.

7. Learned AGA appearing for the State has opposed the prayer made on behalf of the applicant for quashing the proceedings of the present case and contends that this Court should not come forward to the rescue and reprieve of the applicant as the conduct of applicant is not good and he is not come up before this Court as well as the Apex Court with clean hands. Further contention is that in spite of order dated 07.08.2014 which was passed by the writ Court in Criminal Misc. Writ Petition No. 12830 of 2014 (Devendra Goel and 2 others Vs. State of U.P. and 2 others) directing the petitioners No. 2 and 3 namely Suman Goel and Utkarsh Goel to surrender and appear before the Court below to obtain bail and further directing the police authorities to supervise the progress of investigation and to ensure that injustice is not done either to the complainant or the accused persons, but the applicant did not surrender and appear before the Court below which he could do very well. Thereafter, he filed another petition under Section 482 Cr.P.C. No. 32496 of 2014 which was disposed of by this Court on 20.08.2014 with direction that if he surrenders and appears before the Court concerned his bail application shall be decided expeditiously, if possible, on the same day. Even then, he did not surrender and appear before the Court below. After having obtained said order from this Court, he approached the Apex Court by filing a petition for Special Leave to Appeal (Crl.) No. 7319 of 2014 against the Writ Court order dated 07.08.2014 without disclosing the fact of filing application under Section 482 Cr.P.C. (supra) and surreptitiously obtained an order of arrest stay passed by the Apex Court on 23.09.2014. Non disclosure of same day bail order passed in aforesaid criminal application to Apex Court amounts to contempt of Court and depicts his conduct as a whole highly condemnable and after all does not deserve any sympathy rather attracts punitive action be taken against him.

8. Considered the submissions advanced by the learned counsel for parties.

9. Now, charge sheet has been submitted in this matter and the said charge

sheet discloses cognizable offence made out against the applicant. Moreover, it appears from the record that the conduct of applicant is not fair but no doubt is condemnable. He has made all sorts of unscrupulous and surreptitious attempts to obtain orders in his favour from this Court as well as Apex Court and this time, also he has not come before this Court with clean hands, hence, the filing of earlier 482 Cr.P.C. Application No. 32496 of 2014 without disclosing in the present petition under Section 482 Cr.P.C. is misuse of process of law, illegal, unwarranted and deserves to be dismissed by imposing heavy cost upon applicant.

10. Accordingly, this application under section 482 Cr.P.C. is dismissed with cost of Rs. 1 lac which shall be deposited by the applicant within one month from today in the Court of Chief Judicial Magistrate, Ghaziabad, failing which it shall be recovered as arrears of land revenue. If the amount is so deposited as observed above, it shall be transmitted to the District Legal Cell of District Ghaziabad.

11. Registrar General, High Court, Allahabad is directed to transmit a copy of this order to District Judge, Ghaziabad immediately for necessary compliance."

The order is of the year 2015. The applicant, who was the opposite party no.2 in the above application, had filed the present contempt application on the ground that the cost awarded by the Court has not been deposited by the opposite party.

This Court finds that the applicant has approached this Court after 8 years and no plausible reasons have been given for approaching this Court at belated stage. Section 20 of the Contempt of Courts Act, 1971 provides limitation of one year.

No case for contempt is made out.

Accordingly, the present contempt application is misconceived and the same stands dismissed.

Order Date :- 7.11.2023

SK Goswami