

**Court No. - 4**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 4549 of 2023

**Applicant :-** Salman Ahmad

**Opposite Party :-** Shri Vijay Kumar Director General Of Police, Lko. And Others

**Counsel for Applicant :-** Sajjad Husain

**Hon'ble Rajesh Singh Chauhan,J.**

1. Heard Mr. Sajjad Husain, learned counsel for the petitioner.
2. At the very outset, learned counsel for the petitioner has stated that this is the case where the FIR of the petitioner has not been registered by the Chauki In-Charge, Kasba Jarwal, Police Station Jarwal Road, District- Bahraich in utter violation of the direction being issued by the Apex Court in re; **Lalita Kumari Vs. Government of Uttar Pradesh and Others, (2014) 2 SCC 1**. He has further submitted that as per the Apex court, if the FIR is not registered in derogation of the direction of the Apex Court in a cognizable office, it would be contemptuous act of the authority concerned.
3. On being confronted the learned counsel for the petitioner as to whether the petitioner has filed any application under Section 156 (3) Cr.P.C. by approaching the competent Magistrate to direct the police authority to register the FIR, learned counsel for the petitioner has stated that the petitioner has not approached the competent Magistrate under Section 156 (3) Cr.P.C. He has submitted that since the authority has violated the direction of the Apex Court in not registering the FIR, therefore, the contempt notice may be issued against him.
4. Be that as it may, there is no dispute that the Hon'ble Supreme Court has issued direction in re; **Lalita Kumari** (supra) that if any person approaches the police authority with an application to register the FIR in a cognizable office, appropriate exercise should be carried out by the authority, strictly as per the mechanism so prescribed under the Cr.P.C. At the same time, it is also settled law that if despite approaching the concerning police authority for lodging the FIR in a cognizable office, the aggrieved person may approach the Superintendent of Police and thereafter may file an application under Section 156 (3) Cr.P.C. before the competent Magistrate. Since the aforesaid exercise has not been undertaken and at this

stage, it cannot be said that the police authority has committed contempt of this Court.

5. The High Court can entertain the contempt petition if the order or direction of the High Court has been deliberately and willfully flouted or if the direction of any subordinate court has been flouted where such subordinate court does not have the power of contempt, then under Section 10 of the Contempt of Courts Act, such contempt petition may be entertained. Admittedly, there is no contempt of the order of this Court or of any subordinate court, which is not having the power of execution of its own orders.

6. Accordingly, the present contempt petition is **dismissed** in limine.

**[Rajesh Singh Chauhan,J.]**

**Order Date :- 20.12.2023**

RBS/-