

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCp No.1008 of 2014 (O&M)
Date of Decision:14.05.2015**

William Singh Sandhu @ Diljinider Singh Sandhu Petitioner

Vs.

Shri Gurnam SinghRespondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. R.S. Chahal, Advocate,
for the petitioner.

Mr. Puneet Gupta, Sr. Panel Counsel, UOI.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for the alleged willful disobedience of the order dated 09.12.2013 passed in LPA No. 2050 of 2013.

The brief history of the case is that the petitioner, a citizen of America has some differences with his younger brother, living in India, who got registered FIR No. 51 dated 14.2.2012 against the petitioner under Sections 420, 199, 200, 120-B IPC and Section 82 of the Indian Registration Act, 1908 at Police Station Tripuri, Patiala. The CrI. Misc. No. M-18789 of 2012 assailing the FIR was dismissed on 3.7.2012. The order dated 3.7.2012 was further challenged by the petitioner in SLP (CrI.) No. 5929 of 2012 in the Hon'ble Supreme Court, which has now been disposed of.

After investigation in the FIR, the final report was submitted on 5.8.2012 recommending cancellation of the FIR. The Magistrate did not accept the cancellation and ordered further investigation vide his order dated 10.11.2012. The petitioner challenged that order in CrI. Misc. No. 36180 of 2012. That petition was disposed of with a direction to the Court to hear both the

parties, in the said cancellation report and pass a speaking order after meeting the contentions of both the parties within a period of two months.

The cancellation report has since been accepted vide order dated 31.03.2015 and the FIR No. 51 dated 14.2.2012 registered under Sections 420, 199, 200, 120-B IPC and Section 82 of the Indian Registration Act, 1908 at Police Station Tripuri, Patiala came to an end. The summons received by the petitioner from the Directorate of Enforcement (Foreign Exchange Management Act, 1999 & Prevention of Money Laundering Act) dated 4.7.2013 was challenged in CWP No.18931 of 2013, which was dismissed on 4.9.2013. Aggrieved against that order, the petitioner filed a Letters Patent Appeal No. 2050 of 2013, which was disposed of on 09.12.2013.

The operative part of the order read as under :-

“The respondents No.1 and 2 may, thus, deal with the response of the appellant to the notice, referred to aforesaid, on the order being communicated to them and decision be taken in accordance with law by recording reasons.

Appeal stands disposed of accordingly.”

The present petition has been filed on the ground that the respondent has not decided the reply submitted by the petitioner in response to the summons issued to him under the provisions of Foreign Exchange Management Act, 1999 read with Section 131(1) of the Income Tax Act, 1961 and Section 30 of CPC. It has been, thus, averred that they are guilty of Contempt of Court for flouting the order of this Court dated 09.12.2013.

After notice, respondent has put in appearance. The only direction issued by this Court to respondents No.1 & 2, arrayed in the appeal was to consider the response of the petitioner to the notice served upon him and to take a decision while recording reasons. It is submitted that the said notice has been decided by recording reasons but could not be brought on record because it is a part of investigation. Learned counsel for the respondent has produced the record of the case for the perusal of the Court.

I have perused the order passed by the respondents on the response of the petitioner to the notice (Annexure P-4) served upon him and found that sufficient reasons have been recorded while dealing with it.

Thus, the order passed by this Court on 9.12.2013 has been duly complied with and as such no cause is made out for the purpose of pursuing this petition.

Dismissed.

Rule discharged.

14.05.2015

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**(RAKESH KUMAR JAIN)
JUDGE**