

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

CRM-M No. 16396 of 2015
Date of decision : August 02, 2016

Dr. Mohinder Kumar

..... Petitioner

v.

Punjab and Haryana High Court through Registrar (Rules)

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Dr. Mohinder Kumar, petitioner in person.

Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Jaivir Singh Chandail, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This petition has been filed against the order of Courts below dismissing the application filed by the petitioner.

The petitioner made complaints against certain judicial officers on the administrative side of this Court. Those complaints were ultimately dismissed as being false and an order was passed for filing a

him. Along with that, a letter was written to all the Sessions Judges to inform this Court about the factum of any complaint filed by the petitioner before proceeding further in the matter. In the criminal complaint filed against the petitioner, summons were issued to him and ultimately non-bailable warrants were issued. Pursuant to non-bailable warrants, the petitioner appeared and was released on bail. Thereafter, he moved one application dated 26.08.2014 with the following prayer:

- “a) The complaint to withdraw the illegal, prejudicial, confidential letter No.264/RHC(6) dated 26.05.2008 of the Distt. and Sessions Judge-cum-Registrar, Punjab & Haryana High Court addressed to all the District & Sessions Judges of State of Punjab, Haryana and Chandigarh (Annexure R-1).*
- b) To consider the present application as criminal complaint (Sec 2(c) Cr.PC) against Ld. CJM Chandigarh take cognizance under Section 190 Cr.P.C. and allow me to record my preliminary evidence under Section 200 Cr.PC so the guilty CJM on 03.07.2014 is punished in accordance of law.*
- c) To stay the proceedings of present criminal complaint till complainant withdraws the letter as this court is already prejudiced.”*

Notice was issued but before the same could be decided, the petitioner moved another application on 21.01.2015 wherein following averments and prayer was made:

“That, such act of the complainant especially of Hon'ble Justice S.R.Nagrath, who is author of such illegal, prejudicial act is calculated as criminal contempt of CJM Court as detailed in Section 2(C)(ii) of Contempt of Court Act, 1971.”

The said applications having been dismissed and revision having been rejected by the Courts below, the petitioner is before this Court.

The primary argument of the petitioner is that since the complaint was filed on the direction of this Court, he would not get the fair trial. He was never served with summons and in the absence thereof, there was no occasion to issue bailable or non-bailable warrants (and these facts corroborate his apprehension). The second argument is that the Registrar(Rules), who had filed the complaint was never asked to appear in the capacity of the complainant. He further submitted that even though the complaint was filed by the Registrar (Rules) who stated that the Superintendent would appear on his behalf but the trial Court never insisted that Superintendent should appear in Court and in fact that Superintendent stopped appearing after 2010. The next argument raised by the petitioner is that letter dated 26.05.2008 itself was calculated to ensure that every Court in Punjab, Haryana and Chandigarh should be prejudiced against the petitioner. As per him, all these facts corroborate his apprehensions.

The petitioner has argued that this entire exercise is one of institutional vengeance and this Court through its officers has tried to victimize him merely because acts of commission and omission of its

officers were highlighted by the petitioner.

The arguments being raised today have absolutely no relation with the prayers made in the two applications. From a perusal of the orders, it transpires that similar allegations and arguments were made before the Courts below. Both the Courts have noticed that the petitioner is trying to subvert the process by making wild allegations against all and sundry and to scandalize the Court.

In my opinion, these findings of the Courts below cannot be faulted. The actions of the petitioner may even come within the purview of criminal contempt themselves but at this stage I refrain from proceeding in that direction. Consequently, this petition is dismissed.

August 02, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No