

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.70 of 2017(O&M)

Date of Decision:-16.01.2017

Gurbachan Singh.

.....Petitioner.

Versus

Swapan Sharma, IPS Senior Superintendent of Police, Bathinda.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Siddharth Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner has preferred the instant contempt petition under Section 12 of the Contempt of Courts Act against the respondent for an alleged violation of order dated 04.07.2016 (**P-1**) passed by this court in CRM-M-22162 of 2016 decided on 04/07/2016.

Counsel for the petitioner has been heard at length.

The grievance of the petitioner is that despite a specific direction given by this court to take appropriate action in accordance with law, within a period of 3 months from the date of receipt of the certified copy of the order, the respondent has not taken any action in compliance of the order passed by this court. Even a legal notice dated 21/10/2016 (**P-2**) has remained undecided.

After hearing learned counsel for the petitioner and perusing the paper book, this court is of the opinion that present petition is devoid of

any merit and deserves to be dismissed.

Vide order Annexure P-1, this court had disposed of the petition with a direction to respondent to conduct a fresh inquiry into the grievances mentioned by the petitioner in his complaint/representation and in case some substance was found, to take appropriate action in accordance with law. There was no such impediment upon the respondent to pass any speaking order and thereafter, intimate the petitioner about the result of the said Inquiry. The order passed by this court in aforementioned Criminal Miscellaneous does not come under any mandate of law which would entitle the petitioner to invoke the jurisdiction of this court under Contempt of Courts Act, 1971.

Even otherwise, in case the petitioner is aggrieved against any inaction on part of the respondent or in case he is convinced that criminal case is made out against any person, the petitioner has an alternative remedy of filing a complaint under section 200 of Cr.P.C. or to invoke Section 156 (3) of Cr.P.C. as laid down by the Hon’ble Supreme Court in *Sakiri Vasu Vs State of UP & Ors. (2008)2 SCC 409*.

In view of the above, the present petition is dismissed being with without any merit.

(JASWANT SINGH)
JUDGE

January 16, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No