

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.304 OF 2018
(Ganesh s/o Suryakant Dahale Vs. Sudhir Kumar Shrivastava and
others)
IN
FAMILY COURT PETITION NO.A-192/2017

Mr.F.R.Tandale, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/07/2018

PER COURT :

1. The petitioner in this petition contends that respondent No.3 and 4 alongwith respondent Nos 1, 2 and 5 have committed contempt of the directions of the Hon'ble Apex Court.

2. Respondent No.1 is Mr.Sudhirkumar Shrivastava, Principal Secretary, Department of Home. Respondent No.2 is Smt.Renuka Vinayak Wagle, Deputy Superintendent of Police. Respondent No.3 is Mr.Sohan Mhatre, Inspector of Police, Pathri Police Station. Respondent No.4 is Mr.G.B.Kadam, Assistant Police Sub Inspector, Pathri Police Station and Respondent No.5 is Balika d/o Ashok Tak (Former wife of this petitioner).

3. While opening his submissions in this matter, learned Advocate for the petitioner pointed out some portions in the judgment of the Hon'ble Apex Court in the matter of Arnesh Kumar Vs. State of Bihar [2014 Cr.L.J.(SC) 3707 = 2014 AIR SCW 3930] which read as under :

“All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.P.C.”

“Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction.

Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.”

4. Upon going through the above reproduced portion, a case under the Contempt of Courts Act is said to have been made out. When called upon to state as to when was the petitioner arrested, it is stated that he has not been arrested and therefore reliance is not being placed upon the Arnesh Kumar judgment (supra).

5. It is then stated that the petitioner relies upon Satvinder Kaur Vs. State (Government of NCT of Delhi) [(1999) 8 SCC 728] and the following observation of the Hon'ble Apex Court has not been taken into account by respondent No.3 :-

“After investigation is over, if the Investigating Officer arrives at the conclusion that the cause of action for lodging the F.I.R. Has not arisen within his territorial jurisdiction, then he is required to submit a report accordingly under Section 170 of the Criminal Procedure Code and to forward the case to the Magistrate empowered to take cognizance of the offence.”

6. The petitioner submits that though an investigation has been carried out against him by respondent No.3, the case has not been transferred to a Police Station at Aurangabad at Waluj since the alleged offence committed by the petitioner was at Aurangabad.

7. I do not find that merely because the petitioner has put forth a case of an investigating officer having not followed the due procedure of law and has not forwarded the case at Aurangabad since the alleged offence had occurred at Aurangabad, would amount to a contempt of the court under the Contempt of Courts Act, 1971.

8. I find that this contempt petition has been filed by the

petitioner with oblique motives. The tendency to file such contempt petitions so as to terrorize the Police Authorities needs to be deprecated and curbed.

9. Therefore, for the wastage of the time of this Court and for having attempted to take a chance before the Court in the form of filing a contempt petition, this petition is dismissed by imposing costs of Rs.25,000/- (Rs.Twenty Five Thousand only) on the petitioner. He shall deposit the said amount, with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of “**Dean, Government Medical College and Hospital, Aurangabad CSR Fund**”), on or before 31/07/2018 for a public cause and shall report compliance of this direction by producing a receipt of having deposited the amount, before the Registrar (Judicial) of this Court on or before 07/08/2018, failing which, this Court would initiate suo-motu proceedings, for the disobedience of the order of this Court, against the petitioner.

10. At this juncture, learned Advocate for the petitioner prays for leniency as the petitioner has obtained a sanad recently and has just

started his legal practice. Though I find that this petitioner does not deserve any pardon, I am reducing the costs to Rs.15,000/-.

(Ravindra V.Ghuge, J.)