

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 23 of 2019**

1. Shri Sunil Agrawal S/o Late Shri LN Agrawal Aged About 68 Years R/o 1/45, Motilal Nehru Nagar (East), P.S. Supela, Bhilai, District- Durg, Chhattisgarh.
2. Smt. Rekha Agrawal W/o Shri Sunil Agrawal Aged About 65 Years R/o 1/45, Motilal Nehru Nagar (East), P.S. Supela, Bhilai, District- Durg, Chhattisgarh.

---- Petitioners**Versus**

1. Shri Lallan Singh Sub Inspector, P.S. Supela, Bhilai, Through Superintendant Of Police, District- Durg, Chhattisgarh.
2. Shri Rampal Singh Thakur Assistant Sub Inspector, P.S. Supela, Bhilai, Through Superintendant Of Police, District- Durg, Chhattisgarh.
3. Smt. Kamla Yadav Assistant Sub Inspector, P.S. Supela, Bhilai, Through Superintendant Of Police, District- Durg, Chhattisgarh, At Present Posted At Police Station Sector-6 Bhilai, District- Durg, Chhattisgarh.
4. Smt. Ruhi Agrawal W/o Shri Nimish Sunil Agrawal Aged About 34 Years D/o Vijay Agrawal R/o Plot 70G, Satyam Shivam Sundaram, Street No. 3, Deepak Nagar, P.S. Mohan Nagar, Durg, Chhattisgarh.
5. Dilip Sasodiya Town Inspector, Police Station Supela At Present Posted As Town Inspector, Police Station Tikrapara, Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioners:
For Respondents:

Shri Manoj Paranjpe, Advocate.
None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

14.01.2019

1. Heard.
2. This Petition has been filed for initiation of contempt proceedings against the Respondents.
3. It is alleged in the petition that the Petitioners have been arrested on 07.05.2016 on the basis of the complaint lodged by Respondent No. 4,

namely, Smt. Ruhi Agrawal under Sections 498-A, 323, 377 read with Section 34 of IPC and also under Section 3 & 4 of the Dowry Prohibition Act. It is submitted that the concerned police authorities even without inquiring into the nature of allegations leveled in the said complaint proceeded to arrest the Petitioners in complete defiance and derogation of the procedure prescribed for arrest under Code of Criminal Procedure especially under Sections 41 and 41-A of Code of Criminal Procedure and also in view of the principles laid down in the matter of ***Arnesh Kumar Vs. State of Bihar & anr.*** reported in 2014 (8) SCC 273. According to the Petitioners, the specific directions contained in the same judgment have been violated, therefore, the contempt proceedings be drawn against the Respondents.

4. At the outset, the Petitioners have been arrested in connection with the Crime No.415/2016 for the offence punishable under Sections 498-A, 323, 377 read with Section 34 and also under Sections 3 & 4 of the Dowry Prohibition Act on 07.05.2016. However, the present petition has been filed on 12.12.2018 which is apparently barred by time as provided under Section 20 of the Contempt of Courts Act, 1971.

5. In view of the said fact, I am not inclined to draw the contempt proceedings in the matter. The contempt petition is, accordingly, dismissed in *limine*. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE