

COCP No.2633 of 2015

Date of Decision: 13.2.2019

Jaswinder Singh @ Dara

.....Petitioner

Versus

Waryam Singh and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Jasdeep Singh Gill, Advocate, for the petitioner.

Mr. D.D. Sharma, Advocate, for respondent No.1.

Mr. C.S. Bakshi, Advocate, for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for violation of the order dated 12.7.2013, vide which further proceedings, pursuant to FIR No.180 dated 25.8.2012 registered under Sections 420, 406 IPC, at Police Station Dakha, District Ludhiana, were stayed.

The petitioner was forced to file contempt petition, as respondent No.2 proceeded to file challan in spite of the proceedings having been stayed by this Court.

Reply on behalf of respondent No.2 has been filed. The facts are not disputed but the only explanation offered is that the order passed by this Court was not properly communicated to him.

Heard.

It is not evident either from reply or report or any explanation as also from any argument raised by learned counsel for respondent No.2. In view of the same, there is no doubt that respondent No.2 has committed contempt of Court.

At this stage, learned counsel on behalf of respondent No.2, who is present in Court, states that lenient view be taken and his unconditional apology be accepted, especially taking into account that he has superannuated as also that the criminal misc. has since been rendered infructuous. However, this fact is disputed by learned counsel for the petitioner and rightly so as the offence under Section 420 IPC is still subject matter before the trial court in pursuance to the challan having been filed by respondent No.2 against the petitioner.

At this stage, learned counsel for respondent No.2, on instructions from respondent No.2, has offered ₹ 25,000/- as compensation to the petitioner for having caused him harassment and grievance. The petitioner has accepted the same.

In view of the above, this Court deems it proper to dispose of the present contempt petition qua respondent No.2 with a direction to respondent No.2 to hand over ₹ 25,000/- to the petitioner today itself. In case, the same is not done today itself, the petitioner will be at liberty to revive the present contempt petition.

However, the present contempt petition is dismissed qua respondent No.1.

Rule issued against respondent No.1 stands discharged.

13.2.2019
sharmila

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No