

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONTEMPT CASE (CIVIL) NO. 615 OF 2017**

Smt. Rekha Agarwal, aged about 64 years, W/o Shri Sunil Agrawal, R/o 1/45, Motilal Nehru Nagar (East), Bhilai, District Durg (CG) 490020 ... **Petitioner**
versus

1. Shri Anil Agarwal, aged about 70 years, S/o Late Shri L.N. Agarwal, R/o 601-602, Sangeet Sarita Apartment, Bhula Bhai Desai Road, Opp. Beach Candy Hospital, Mumbai, Maharashtra.
2. Smt. Shashi Goel, aged about 68 years, W/o Shri Kishan Bihari Goel, R/o 404, Bhanu Apartment, near Hare Rama Hare Krishna Temple, Ruia Road, Juhu, Mumbai, Maharashtra. ... **Respondents**

For Petitioner	:	Mr. Manoj Paranjpe, Advocate, along with Mr. Prasoon Agrawal, Advocate.
For Respondent 1	:	Mr. Jaydeep Singh Yadav, Advocate.
For Respondent 2	:	Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/02/2020

1. The present contempt petition has been filed by the petitioner alleging contempt against the respondents in respect of the pleadings that the respondents have made in their affidavits on different occasions; firstly in M.Cr.C. No. 41/2002 which was a petition filed by respondent no.1 under Section 482 of Cr.P.C. and thereafter in Cr.M.P. No. 76/2015 which again was a petition under Section 482 of Cr.P.C. filed by the petitioner.
2. The said Cr.M.P. No. 76/2015 filed by the petitioner was dismissed by this Court on 2.11.2016 reserving the right of the petitioner to avail appropriate remedies available to her under Section 340 of CrPC. It is this order which has now been used by the petitioner for filing of the present contempt petition.
3. At the outset, this Court is of the opinion that the entire proceeding would not be one which would be maintainable under the contempt jurisdiction of this court. The allegation of the petitioner of the respondents having filed contradictory affidavits before the High Court is one which has to be pursued invoking the provisions of Section 340 of Cr.P.C., and for which the liberty was already granted to the petitioner. The petitioner instead of availing the said remedy has thought of filing the contempt petition against the respondent.

4. This Court is of the view that the allegation levelled by the petitioner is not one which can be brought within the ambit of definition of contempt of court as defined under the Contempt of Courts Act, 1971.

5. Accordingly, the present contempt petition being not maintainable the same is dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE