

COCp-2749-2021

Date of Decision :15.02.2022

Shweta Mahajan and another

...Petitioners

Versus

Mohnish Chawla, Inspector General of Police
Border Range, Amritsar

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Onkar Singh Batalvi, Advocate for the petitioners.
Mr. Aditya Sharda, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the instant petitionis for initiating action against the respondent under the Contempt of Courts Act, 1971 for intentional and willful defiance of order Annexure P/1 dated 21.09.2021, in CRM-M No.38976 of 2021.

[2] A perusal of order, Annexure P/1 dated 21.09.2021 reveals that CRM-M No.38976 of 2021 was disposed of by directing the Inspector General of Police, Border Range, Amritsar to look into and decide representation dated 31.08.2021 submitted by the petitioner in accordance with law by passing a speaking order, positively within two months from the date of receipt of copy of the order. Learned Counsel contends that the instant petition was filed on account of failure of the respondent to do the needful.

[3] Reply by way of affidavit of the respondent has been filed along with copy of order, Annexure R/1 dated 20.01.2022 of a decision having been taken vide office memo No.1808/BR-PC dated 19.01.2022 directing the Senior Superintendent of Police, Pathankot to register a case under Sections 420, 465, 466, 467, 468, 471 and 120-B IPC in the concerned Police Station against the accused persons pursuant to enquiry and also directing the Senior Superintendent of Police, Pathankot to take legal action against anyone found guilty during investigation of the case.

[4] In the said reply, details of the steps taken have been mentioned i.e. of record having been requisitioned, parties having been summoned, record having been scrutinized etc and on prima facie finding offences under Sections 420, 465, 466, 467, 468, 471 and 120-B IPC being made out, directions as referred to above having been issued to the Senior Superintendent of Police, Pathankot while forwarding compliance report bearing No.1984/BR-PC dated 20.01.2022 to the Assistant Registrar, Punjab and Haryana High Court, Chandigarh.

[5] In paragraph No. '6' of the reply, it has been mentioned that the respondent holds the Hon'ble Court in the highest esteem and cannot even think of violating /disobeying or flouting any order or direction of the Hon'ble Court or any other Court of law and for any lapse, the respondent tenders an unconditionally apology and is ready to take corrective steps as per direction's of this Court.

[6] Learned Asst. Advocate General on the other hand states that in view of the order of this Court dated 21.09.2021 in CRM-M No.38976 of 2021 having been complied with, no action be taken against the

respondent under the Contempt of Courts Act, 1971.

[7] I have considered the submissions of learned counsel.

[8] Admittedly, order dated 21.09.2021 in CRM-M No.38976 of 2021 has been complied with by passing of order dated 19.01.2022 directing the Senior Superintendent of Police, Pathankot to register FIR under Sections 420, 465, 466, 467, 468, 471 and 120-B IPC pursuant to conduct of enquiry as also to take further action against such other persons as may be found to be involved during investigation.

[9] No doubt, the orders have not been complied with within the stipulated period of time as granted vide order, Annexure P/1 dated 21.09.2021 in CRM-M No.38976 of 2021. However, taking into account the explanation offered as well as statement of learned counsel for the petitioners, I am of the view that no action under the Contempt of Courts Act, 1971 is called for against the respondent.

[10] Accordingly, the contempt petition is disposed of as such while observing that in future, in case of inability to comply with the orders of any Court within the time granted, the respondent should make an application for extension of time while highlighting the circumstances explaining the reasons for inability to comply with the orders within the stipulated period of time.

[11] Rule discharged.

(B.S. Walia)
Judge

15.02.2022
'Amit'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*