

2023:PHHC:064239-DB

114+208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-18906-2023 &
CROCP-8-2019**

Date of decision: 04.05.2023

COURT ON ITS OWN MOTION

.....PETITIONER

Versus

JOHNY MATHEW

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ankur Mittal, Amicus Curiae,
and Ms. Kushaldeep Kaur, Advocate,
and Mr. Jugam Arora, Advocate.

Respondent/contemner in person.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-18906-2023

Prayer in this application is for permission to place on record the affidavit of the respondent/contemner dated 29.03.2023, wherein an unconditional apology has been tendered by the applicant/respondent. In the said affidavit, earlier reply by way of affidavit dated 10.01.2020 filed by the applicant/respondent is being sought to be withdrawn.

Notice of the application to the learned Amicus Curiae.

Mr. Ankur Mittal, learned Amicus Curiae, states that he has no objection to taking on record the affidavit, as has been prayed for.

In the light of the above, the present application is allowed. Affidavit dated 29.03.2023 of the applicant/respondent is taken on record.

CROCP-8-2019

Mr. Johny Mathew son of Late Sh. Mathew Ouseph-respondent-contemner appearing in Court in person prays that the reply, which has been filed by way of an affidavit, may be permitted to be withdrawn and that he tenders an unconditional and unqualified apology. He further states that he has realized that a mistake has been committed by him and, therefore, takes back the assertions and allegations, as have been made in the letter/complaint, which was the basis for initiating the present proceedings for contempt against the applicant. He refers to the contents of the affidavit and submits that he would not use any such language or do anything which would remotely dent the image of the judiciary or amounts to unsubstantiated allegations. An assertion has also been made by him that the proceedings, as initiated, may be dropped.

Learned Amicus Curiae also states that the apology, as has been tendered by the respondent/contemner, may be accepted and he be pardoned.

In the light of the affidavit, as has been filed by the respondent/contemner in Court today dated 29.03.2023, we accept the unconditional and unqualified apology as also the statement, which has been made by the respondent in Court today as recorded above. We, therefore, drop the contempt proceedings initiated against the respondent, and dispose of the same at this stage.

It is clarified that in case, the respondent violates any of the statements given in Court today or provisions of the statute which would amount to a contempt, the present contempt petition would automatically stand restored to its original number.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

04.05.2023
PJ

**(HARPREET SINGH BRAR)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>