

2023:PHHC:148196

COCp-3475-2023

Date of Decision: 21.11.2023

Poonam Singh

...Petitioner

Vs.

Sandeep Kumar Malik, IPS

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Raj Kumar Malik, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this contempt petition has alleged violation of order dated 20.05.2023.

2. This Court finds that the provisions of the Contempt of Courts Act, 1971 are being misused by litigants, who file petitions for contempt of Courts directly to this Court with regard to implementation of orders passed by the Judicial Magistrates. Where an order passed by the trial Courts or by the Civil Courts is alleged to have been violated, contempt petition directly to this Court would not be maintainable. The Court of first instance, therefore, has to first reach to a satisfaction that its orders are being deliberately and wilfully flouted, for which provisions are always available under the concerned statute to approach the concerned Court itself. Thus, this Court is satisfied, that this contempt petition is not maintainable before this Court as the remedy lies elsewhere.

3. In view thereof, this contempt petition stands dismissed leaving it open to the petitioner to avail his remedy by way of appropriate proceedings, in accordance with law.

**(SANJEEV PRAKASH SHARMA)
JUDGE**

21.11.2023.

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1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No