

Date of Decision: 11.01.2024

.....Petitioner

Nanak Singh and others

.....Respondents

Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Alankar Narula, AAG, Punjab.

CM-10955-CII-2020

This is an application for preponing the date of hearing in the main case.

Since, the main case is listed today, therefore, the present application has been rendered infructuous and is disposed of as such.

Main Case

This is a contempt petition filed under Section 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India with a prayer to initiate the contempt proceedings against the respondents for disobedience of order dated 20.03.2013 passed by this Court in COCP-3343-2013.

Mr. Nikunj Dhawan, Advocate, puts in appearance on behalf of respondent No.4 and filed vakalatnama, which is taken on record.

The perusal of the record shows that the present petition has been filed for alleged violation of an order passed in a contempt petition arising qua non-compliance of an interim order dated 23.08.2012 passed in

CWP-16282-2012. However, subsequently, that writ petition has already been dismissed in default.

Since, the main writ petition itself has been dismissed, therefore, the contempt petition qua alleged violation of the interim order passed in that writ petition or the contempt petition arising from another order passed in earlier contempt petition arising from such interim order cannot be continued any more. Hence, the present contempt petition is dismissed.

CM-18230-CII-2018 and CM-18499-CII-2023

These are applications filed under Section 151 CPC with a prayer to initiate the proceedings against respondent No.1 under Section 340 read with Section 195 Cr.P.C. for making false averments in the reply/affidavit.

Keeping in view the facts and circumstances available on the file, this Court does not deem it appropriate to proceed further to initiate proceedings against respondent No.1 under Section 340 Cr.P.C. Hence, the present applications are dismissed.

However, since learned counsel for the petitioner has submitted that the FIR has wrongly been registered and the petitioner was illegally handcuffed, therefore, the petitioner would be at liberty to avail his alternate remedy in that regard, but in accordance with law.

The pending miscellaneous applications are also disposed of as such.

11.01.2024
sandeep

(RAJBIR SEHRAWAT)
JUDGE

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