



**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-PIL-151-2024
Date of decision: 10.12.2024

Sanjeev Kochhar and another **...Petitioners**

Vs.

U.T. Administration Chandigarh and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sushil Tikriwal, Advocate
Mr. Harlove Singh Rajput, Advocate
for the petitioners.

Mr. Amit Jhanji, Sr. Advocate with
Mr. Himanshu Arora, Advocate
for respondent No.1-U.T. Chandigarh.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Senior Panel Counsel for UOI.

Mr. Gaurav Chopra, Sr. Advocate (through v.c.) with
Mr. Ranjit Singh Kalra, Advocate
for respondents No.3 and 4.

Mr. C.S. Bakshi, respondent No.5 in person.

ANIL KSHETARPAL, J.

1. Leaned counsel representing the petitioners has sought withdrawal of the writ petition, which was not opposed by learned counsel representing the respondents. However, respondent No.5 while appearing in person has highlighted personal tirade launched by Dr. Mohit Dhawan and his lawyers.

2. In this alleged Public Interest Litigation, the petitioners have sought issuance of a writ in the nature of *quo warranto* seeking removal respondent No.5, who is holding the position of Additional Public Prosecutor



Chandigarh/Senior Panel Counsel, Union of India by executing a plan of deceit upon the High Court, U.T. Administration Chandigarh, Union of India, Public besides the entire judicial system by concealing his qualifications on account of direct violation of statutory rules, disappearance of judicial record, usurping the powers of the High Court and by making material concealment in conjunction with false declarations and verification.

3. The detailed written statement has been filed by respondent No.5 disclosing the various events which have taken place.

4. It is not found appropriate to go into detailed facts keeping in view the prayer made by learned counsel representing the petitioner for withdrawal of the writ petition. However, this Bench feel that effort has been made to pollute the river of justice by the petitioners while invoking Public Interest jurisdiction, which was envisioned for granting justice to downtrodden persons, who do not have wherewithal to come to the Courts.

5. It would be noticed here that previously also Dr. Mohit Dhawan, has levelled allegations against the previous Additional Public Prosecutor. Respondent No. 5 was subsequently appointed. While filing the written statement, the respondent has disclosed that before the Supreme Court in Special Leave Petition (Crl.) No. 3405 of 2023, Dr. Mohit Dhawan while impugning the Delhi High Court Judgment, filed I.A. No. 43540 of 2024 with the following narration in para 3A:-

24.08.2021: The Court of Ld. JMIC, Chandigarh held, Sh. C.S.Bakshi, the Ld. APP/SPP who was appearing in case u/s 156(3) mentioned above as prima facie guilty as he was caught making recordings of court proceedings/arguments without the permission of the Ld. court for ulterior motives and having committed various offences and illegalities. The following



proceedings/directions were initiated qua Sh. C.S Bakshi:

- 1) *Directions for Mobile Preservation / not disposing off.*
- 2) *Initiated Inquiry proceedings under 340 Cr.P.C with Show Cause Notice.*
- 3) *Initiated Contempt Proceedings for Contempt of Hon'ble High Court.*
- 4) *Initiated Contempt Proceedings for Contempt of Court of Ld. JMIC, Chandigarh.*
- 5) *Initiated Proceedings u/s 228 IPC*
- 6) *Directions to Alhmad to register proceedings separately.*
- 7) *The Naib Court suffered a statement that Sh.C.S Bakshi has also deleted some recordings.*

As detailed herein below at appropriate stage in sequence of events, the entire record of the proceedings has gone Missing/Tampered/Stolen due to Quid Pro Quo arrangement between the Ld.APP/ Presiding Officer/ Court Staff. It is pertinent to highlight that the Reader of the Court who had sent whatsapp msg was posted later in this Court from where the entire record of proceedings has gone missing. The said matter is pending adjudication before Hon'ble High Court as 3rd Incident of Judicial Record Tampering pleaded in CRM-25385-2023 ANNEXURE-A4 (Pg. 78-91), CRM-29130-2023 ANNEXURE-A5 (Pg. 92-115) and CRM-41362-2023 ANNEXURE-A6 (Pg. 116-135) before Hon'ble High Court."

6. It would be noticed here that the lead counsel appearing for the petitioner herein also appeared for Dr. Mohit Dhawan in LPA-104-2021, decided on 29.01.2021 by the Division Bench of this Court.

7. The Supreme Court also noticed this fact while deciding Special Leave Petition (Crl.) No. 3405 of 2023 in the following manner:-

"This Court has also been apprised of the fact that the respondent had earlier approached this Court by way of S.L.P.(Crl.) No.3548/2021, wherein he had levelled allegations against senior police officials, an Additional Public Prosecutor and others. The SLP was dismissed on 20.02.2024¹ by a Bench presided over by one of us

(Sudhanshu Dhulia, J.). It has been contended by the appellant that the respondent is in a habit of levelling false and frivolous allegations against police officials and lawyers appearing for the Union Territory/police, although the respondent would deny the same.”

8. Hence, keeping in view the totality of the facts, the writ petition is permitted to be withdrawn. However, the petitioners are made liable to pay tentative cost of Rs.50,000/- payable to respondent No.5.
9. Accordingly, the writ petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

10.12.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No