

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

209

CWP-4682-2018
Date of Decision: 28.02.2024

M.K. GAHLAUT

... Petitioner

VERSUS

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mahipal S. Yadav, Advocate
for the petitioner.
Mr. Pankaj Mulwani, DAG, Haryana.
Mr. Amit Parashar, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 22.12.2017 passed by the Judicial Magistrate Ist Class, Faridabad in case bearing No.COMA/735/17, whereby the application of the petitioner for seeking initiation of contempt proceedings against respondent No.2 was dismissed by the Court.

It is not in dispute that Section 2(C) of the Contempt of Courts Act, 1971 talks about criminal contempt. As per the provision, the Court may make reference of a criminal contempt to be initiated against any person, who is found guilty of committing a contempt of Court by scandalizing the same. The making of a reference of committing contempt of Court is a matter between the Court and the contemnor. Section 15(2) of the Contempt of Court Act further empowers the High Court to take cognizance of a matter referred to it by a Subordinate Court.

However, it is primarily the satisfaction of the concerned Court for initiation of contempt proceedings, which is personal and cannot be dictated or desired by any other person. The decision of a Magistrate/Court to not make a reference for initiation of proceedings for contempt is thus within a discretion of the said Court and does not give any cause of action in favour of the petitioner to impugn the same and direct making of a reference. The satisfaction being that of the Court, the same cannot be substituted or supplanted by the petitioner herein.

The present petition is accordingly dismissed.

The impugned order passed by the Judicial Magistrate Ist Class, Faridabad is upheld.

FEBRUARY 28, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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