

2025:PHHC:011561



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

CRM M-58284 of 2023

Date of Decision: 27.01.2025

Suresh Kumar ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Suresh Kumar, petitioner in person.

Mr. Rajinder Kumar Banku, DAG, Haryana.

Mr. Jasdev Singh Mehndiratta, Advocate
as Amicus Curiae.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner had filed the present petition under Section 482 of Cr.P.C. with a prayer to direct the respondent No. 2 to register the FIR in the present case against the private respondents, which includes two advocates and four judicial officers posted at different stations, as the private respondents had grabbed the public property in collusion with each other by misusing their positions in the judiciary. It was further prayed that the directions may be issued to hand over the matter to CBI or to some senior judicial officer in the present case.
2. During the course of arguments, the petitioner, who claims to be a practicing lawyer and a member of Bar Association of

Punjab and Haryana High Court, Chandigarh, appeared in person and stated that he did not wish to argue the case and his written submissions may be considered as his arguments. Since from the record, it is apparent that the petitioner was seeking adjournment in the present case on the one pretext or the other, this Court had appointed Mr. Jasdev Singh Mehndiratta, Advocate as Amicus Curiae to assist the Court.

3. In the petition/written submissions, it has been mentioned that respondents No. 3 and 4 (Advocates at District Court, Kaithal) and respondents No. 9 to 12 had registered a fake society, i.e., MMV Samiti, Indira Gandhi College, Kaithal to grab the public property and their family members were also the members of these fake societies. The respondents No. 5 to 8, who are senior judicial officers in Haryana, were given money and as a result, these judicial officers had decided the cases of other private respondents in less than 06 months. Whereas, the cases which were filed against the private respondents were pending since long time. The petitioner had made complaint against the judicial officers, when they were posted at Kaithal. Even, the complaints were moved to the Bar Council of Punjab and Haryana against the respondents No. 3 and 4, but the members of the Bar Council of Punjab and Haryana were also working on the instructions of respondents No. 3 and 4, 9 to 12. The petitioner filed a complaint before the Magistrate, but the officer refused to take action against the

private respondents and asked the petitioner to approach the High Court. The respondents No. 3 and 4, 9 to 12 had claimed that they had links with the Hon'ble Judges of Punjab and Haryana High Court, Chandigarh. Some times, due to pressure, the petitioner had to withdraw the power of attorney from many cases.

4. It has been further mentioned in the petition that it is not possible to get the matter investigated from the police and may be handed over to the CBI as the relative of private respondents was a DGP, in Orissa. In case any judicial officer at Kaithal passed any order against respondents No. 3 and 4, 9 to 12, the respondents would call certain advocates and pressurize the judicial officer. Some judicial officers in District Court Kaithal were already working on the instructions of private respondents. Further, the respondents No. 3 and 4, 9 to 12 were involved in a case of POSCO Act and the victim in the said case was murdered under suspicious circumstances. Even, some proofs from the case file were destroyed in collusion with Mr. J.B. Goel, ADA, also. Still further, in many POSCO matters, the FIRs were not registered and the respondents were destroying the evidence. He further moved complaints against private respondents, but no action was taken on his complaint. Still further, the petitioner is a whistle blower and had raised many issues against the corruption and *suo moto* action may be taken as per the circumstances. In the written submissions, several other submissions have also been made, which

were not mentioned in the main petition. It was stated that the petitioner had filed a criminal complaint against respondents No. 3, 4 and 11 and few other persons and the same was pending in the Court of the Judicial Magistrate 1st Class, Kaithal. The petitioner moved an application for summoning the record and the same was allowed. However, the Court did not proceed as per law. The petitioner again and again prayed for summoning the records, but the Court did not issue summons. The petitioner also moved a transfer application and the Court of Judicial Magistrate 1st Class, Kaithal, submitted its comments. The CJM transferred the case of the petitioner. The petitioner moved an application to preserve the CCTV footage to prove the facts mentioned about the witness, but the application was found to be false. It is also mentioned that in case any single allegation found to be false and baseless, the petitioner may be tried under the Contempt of Court Act and other proceedings may be initiated against him.

5. I have heard the petitioner as well as learned Amicus Curiae at length in the present case.

6. The main prayer in the present petition is to direct the respondent No. 2 to register the FIR in the present case as the private respondents in collusion with each other had grabbed public property. Before proceeding to examine the pleas raised by the petitioner on merits, this Court has no hesitation to hold that the petition is

completely misconceived and is not at all maintainable before this Court.

7. The Hon'ble Supreme Court of India has already examined the issue of maintainability of the writ petition or a petition under Section 482 Cr.P.C. for the purpose of registration of the FIR, when so many alternative remedies are already available in the statute. The Hon'ble Supreme Court has held in the matter of ***Sakiri Vasu Vs. State of U.P. and others, 2008 AIR Supreme Court 907*** as under:-

“25. We have elaborated on the above matter because we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 Cr.P.C. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters, and relegate the petitioner to his alternating remedy, firstly under Section 154(3) and Section 36 Cr.P.C. before the concerned police officers, and if that is of no avail, by approaching the concerned Magistrate under Section 156(3).

26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in

Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?

27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr.P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Cr.P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr.P.C. and not by filing a writ petition or a petition under Section 482 Cr.P.C.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere”.

8. In view of the settled law itself, the present petition is not maintainable at all before this Court and is liable to be dismissed. Now this Court would advert to the averments made in the petition as well as the written submissions by the petitioner and apparently the submissions are not only scandalous and baseless but contemptuous also. The petitioner has made a vague averment that the private respondents, which includes two advocates and four judicial officers, had grabbed the public property in collusion with each other, by misusing their official position in the judiciary. However, in the entire petition, the petitioner has failed to mention even a single property. Still further, the petitioner has alleged that the respondents No. 5 to 8 had decided the cases of other private respondents in an expeditious manner. However, again the details are not forthcoming and vague and unfounded allegations were levelled against four judicial officers. Still further, it has been falsely alleged that the even members of the Bar Council of Punjab and Haryana were acting at the dictates of respondents No. 3 and 4, i.e., two lawyers practicing at Kaithal. Again, the allegation has been levelled without mentioning any detailed particulars and seems to be aimed at maligning the members of the Bar Council. Apart from that, it has been falsely alleged that the appellant had not investigated the matter as Yogesh Khurania, relative of private respondent was posted as DGP of State of Orissa. However, the said Yogesh Khurania, has not been impleaded as a

party in the present case. Still further, it has not been shown as to which private respondent, he is related. It has been further stated that in case any judicial officer passed any order against the respondents No. 3 and 4, 9 to 12, then they would call other advocates and would pressurize the judicial officers. Again, no such details have been mentioned and the allegation on the face of it is highly unbelievable. Still further, several other sensational and baseless allegations have been levelled with regard to the registration of criminal cases/complaints under the provisions of Protection of Children from Sexual Offences Act against respondents No. 3 and 4, 9 to 12. Further, it is apparent from the bare perusal of the averments made in the petition, the petitioner has made veiled, intemperate and frivolous allegations against several judicial officers. The tendency of malign the reputation of the judicial officer by the disgruntled elements, who failed to secure an order which they desire is on the increase and it is high time that serious note is taken of the same. No litigant can be given the permission to browbeat the Court. Merely because the petitioner has chosen to appear in person, it does not give him a licence to indulge in making such aspersions as he has the tendency to scandalize the Court in relation to judicial matters. The present petitioner had attempted an arrogant and contemptuous attitude, but of course, the dignity of the Court is not so brittle as to shatter by a stone thrown by a mad man. This Court has no hesitation to conclude that

the present petitioner has been regular, persistent and guilty of undermining the dignity of the Court and his action is motivated, deliberate and designed.

9. The Hon'ble Supreme Court in the matter of **Ajay Kumar Pandey Vs. unknown reported in AIR 1998 Supreme Court 3299** has held that any threat of filing complaint against the Judge in respect of judicial proceedings conducted amounts to an attempt to interference in the due course of administration of justice and held as follows:-

"16. At the outset, we wish to emphasise that this Court being the Supreme Court of the country, has not only the right to protect itself from being scandalised or denigrated but it also has the right, jurisdiction and the obligation to protect the High Courts and the Subordinate Courts in the country from being insulted, abused or in any other way denigrated. Any action on the part of a litigant-be he a lawyer appearing in person - which has the tendency to interfere with; or obstruct the due course of justice has to be dealt with sternly and firmly to uphold the majesty of law. No one can be permitted till intimidate or terrorise Judges by making scandalous unwarranted and baseless imputations against them in the discharge of their judicial functions so as to secure orders which the 'litigant 'wants'.

17. The subordinate judiciary forms the very backbone of administration of justice. This Court would come down with a heavy hand for preventing the Judges of the

subordinate judiciary of the High Court from being subjected to scurrilous and indecent attacks, which scandalise or have the tendency to scandalise, or lower or have the tendency to lower the authority of any Court as also all such actions which interfere or tend to interfere with the due course of any judicial proceedings or obstruct or tend to obstruct the administration of justice in any other manner. No affront to the majesty of law can be permitted. The fountain of justice cannot be allowed to be polluted by disgruntled litigants. The protection is necessary for the Courts to enable them to discharge their judicial functions without fear.

18. The rule of law is the foundation of a democratic society. The judiciary is the guardian of the rule of law and if the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the Courts has to be respected and protected at all costs. It is for this reason that the Courts are entrusted with the extraordinary power of punishing those for contempt of Court who indulge in acts whether inside or outside the Courts, which tend to undermine the authority of the Courts and bring them in disrepute and disrespect thereby obstructing them from discharging their judicial duties without fear or favour. This power is exercised by the Courts not to vindicate the dignity and honour of any individual Judge who is personally attacked or scandalised but with a view to uphold the majesty of law and the administration of justice. The foundation of the judiciary is the trust and the confidence of the people in its ability to deliver fearless and impartial justice and as

such no action can be permitted which may shake the very foundation itself”.

10. In view of the above discussion, the averments and language used by the petitioner in the present case scandalize the Court, interfere in the administration of justice and are apparently contempt of Court. However, at this stage, this Court is not inclined to initiate contempt of Court proceedings against the present petitioner with the hope that the petitioner will conduct himself in future as a disciplined member of the legal fraternity and shall cause no embarrassment to anyone. He is still warned not to file such frivolous petitions before any Court of law and the present petition is ordered to be dismissed with costs of Rs. 25,000/-, which shall be deposited by him with the PGI Poor Patient Welfare Fund, Chandigarh.

11. In case the amount of fine is not deposited by the petitioner within a period of 02 months from today, the amount of fine shall be recovered as arrears of land revenue.

12. In the end, this Court records deep appreciation for Shri Jasdev Singh Mehndiratta, learned Amicus Curiae, who had rendered able assistance to this Court.

27.01.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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