



\$~7 & 8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 575/2024**

SH RAM VOHRA

.....Petitioner

Through: Mr. Lakshay Saini, Ms. Priyanka and
Ms. Akanksha Mehra, Advocates.

versus

SUNIL DUTT SHARMA

.....Respondent

Through: None

8

+ **CRL.M.C. 6547/2018, CRL.M.A. 50420/2018 (stay), CRL.M.A. 2178/2020 (for vacation of stay), CRL.M.A. 4856/2023 (for vacation of stay), CRL.M.A. 13565/2023 (for impleadment/intervention)**

SUNIL DUTT SHARMA

.....Petitioner

Through: None

versus

STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with SI Om Prakash, PS M.S. Park.
Mr. Lakshay Saini, Ms. Priyanka and
Ms. Akanksha Mehra, Advocates for
R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.04.2025

%

CM APPL. 20525/2024 (Exemption) in CONT.CAS(C) 575/2024

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 6547/2018

3. The Petition under Section 482 of Cr.P.C. has been filed by the



Petitioner, Mr. Sunil Dutt Sharma, against the Order dated 06.06.2018 of the learned ASJ/E-Court, Shahdara, Karkardooma Courts, Delhi *vide* which his Anticipatory Bail Application has been cancelled. However, considering the conduct and the non-compliance of the conditions for grant of Anticipatory Bail by the Applicant and also considering that despite being aware of the proceedings and the pending investigations, he has failed to join the same and has also been declared as an “Offender” *vide* Order dated 14.01.2025 by the learned JMFC, there is no ground for recall of the Order dated 06.06.2018 of cancellation of the Anticipatory Bail or for restoration of the Anticipatory Bail Order.

4. The Petition is accordingly dismissed and disposed of. Pending Applications, if any, also stand disposed of.

CONT.CAS(C) 575/2024

5. Contempt Petition under Article 215 of the Constitution of India read with Section 12 and 2(B) of the Contempt of Courts Act, 1971 has been filed on behalf of the Petitioner, Sh. Ram Vohra for wilful disobedience of the Order dated 11.10.2023 in CRL. M.C.No. 6547/2018.

6. An FIR No. 76/2017 under Section 420 Indian Penal Code, 1860 (*hereinafter referred to as ‘IPC’*) dated 04.03.2017, was registered at Police Station Mansarovar Park, Delhi, against the Respondent. The pre-arrest Bail under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as ‘Cr.P.C.’*) was granted by the learned Additional Sessions Judge *vide* Order dated 11.04.2017 on account of amicable settlement of the dispute *inter se* the parties in the Mediation Centre.

7. However, the Respondent/accused failed to comply with the mediated settlement and an Application for cancellation of Bail was filed before the



learned ASJ, who allowed the Application and cancelled the pre-arrest Bail *vide* Order dated 06.06.2018.

8. Against the said Order dated 06.06.2018, the Petition was filed by the Applicant before this Court.

9. Thereafter, present Contempt Petition was filed by the Complainant alleging that despite the settlement in the Mediation Centre, Respondent has failed to hand over the possession of the flats. This Court on 30.05.2024 granted two weeks' time to the Respondent, to ensure that the premises are completed and handed over to the Petitioner, failing which the Anticipatory Bail, was directed to be cancelled. Since the Respondent failed to do the needful, the impugned Order of learned ASJ cancelling the Anticipatory Bail *vide* Order dated 09.07.2024, was upheld and reaffirmed.

10. The question, however, is whether the present Contempt Petition is maintainable. Clearly, the consequence of not abiding by his Statement, led to the cancellation of the Anticipatory Bail. Insofar as, the Contempt is concerned, Complainant is seeking possession of the Flat, which apparently he had purchased under Agreement to Sell. It requires various ancillary questions in regard to compliance of Agreement to Sell and such other things, to be considered, before any such compliance can be directed. The objective of Contempt Petition is to purge any wilful disobedience of the undertaking given to the Court and cannot be used as a tool for implementation of an Agreement to Sell *inter se* the parties. The consequence of cancellation of Anticipatory Bail has already been inflicted on the Accused. The circumstances do not justify initiation of the contempt proceedings.

11. The Contempt petition is disposed of with liberty to the Petitioner to



seek the appropriate remedy before the appropriate forum.

NEENA BANSAL KRISHNA, J

APRIL 7, 2025/RS