



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

107

**COCP-3253-2023 (O&M)
Date of Decision: 22.04.2026**

SHASHI BALA

.....Petitioner

Vs.

JOGINDER SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Atul Lakhanpal, Sr. Advocate assisted by
Ms. Neha Lakhanpal, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed for deliberate and intentional disobedience of Judgment passed by Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar and another 2014 (8) SCR 128 and judgment dated 31.07.2023 passed in Criminal Appeal No.2207 of 2023 arising out of SLP Criminal No.3433 of 2023 titled as Mohammad Asfaq Alam Vs. The State of Jharkhand & Anr. and Notification No.159 Gaz.II (17) dated 22.09.2023 of this Court.

2. Learned counsel for respondents contends that in compliance of the same, affidavit of Mr. Joginder Singh, Inspector (Retd.), Former S.H.O., P.S. Sadar Yamuna Nagar, dated 17.03.2026, along with the copy of appointment letter issued by the accused Sohan Lal dated 07.06.2022, attached as Annexure R-1; the copies of cheques issued by the accused Sohan Lal dated 23.08.2023 and 05.04.2023, attached as Annexure R-2 and Annexure R-3 and the copy of transcript of conversation from 11.02.2022 to



17.03.2022, attached as Annexure R-4, has been filed, which is reproduced as under:-

- “1- That petitioner has filed the present petition under section 10 & 12 of the Contempt of Courts Act, 1961 for the violation of directions of Hon'ble Apex Court passed in "Arnesh Kumar V/s State of Bihar and Another and judgment dated 31-07-2023 passed in Criminal Case no.2207 of 2023 in SLP Criminal No.3433 of 2023 titled as "Mohammad Asfaq Aalam V/s State of Jharkhand and Another and Notification No. 159 Gaz.II (17) dated 22-09-2023 of this Hon'ble Court (Annexure P-11).*
- 2- That earlier on 05-03-2024, the deponent had filed reply to the present petition but on the previous date of hearing i.e. 25-02-2026, the reply filed by the deponent on behalf of the respondents was rejected and directions were issued to file compliance affidavit. Therefore, in compliance of above mentioned order, the present affidavit is being filed.*
- 3- That the instant petition is liable to be dismissed on the ground of maintainability. The petitioner does not entertain any kind of competence and locus standi to file the present petition.*
- 4- That the above said judgement of Hon'ble Supreme Court is not applicable to the facts of the present case as the offence committed by the accused persons under section 467 IPC, the sentence is more than 10 years and is punishable for sentence for imprisonment for life.*
- 5- That the petitioner has not come to the court with clean hands and has concealed the true and material facts from the knowledge of this Hon'ble court. The respondents have acted as per law in discharge of*



their official duty and there is no malice or mala fide on the part of respondents. Therefore, the present petition filed by the petitioner is not maintainable and the same is liable to be dismissed.

- 6- *That in this regard, it is submitted that a complaint no.CM/OFF/J/2023/017174 dated 16-08-2023 moved by the complainant against Sohan Lal and co-accused Sunil Kumar was received in the police station with the allegations of taking Rs.18,00,000/- from the complainant by cheating and defrauding him on the pretext of getting employment in railway and giving false, forged and fabricated appointment letter to him and threatening to kill the complainant. On the basis of said written complaint the above mentioned F.I.R. No.451 dt. 13-09-2023, U/s 406, 420, 467, 468, 471, 506, 120-B IPC was registered at Police Station Sadar Yamunanagar. In this regard, the copy of F.L.R. is already attached with the petition as **Annexure P-10**.*
- 7- *That after the registration of case, the investigation thereof was carried out and during the investigation, the false, forged and fabricated appointment letter issued by the accused Sohan Lal to the complainant, the pen drive containing conversation between the accused Sohan Lal and the complainant, two cheques of Rs.2,00,000/- each, the statement of account pertaining to the bank accounts of the complainant and the accused were taken into the possession, the statement of the witnesses were recorded.*
- 8- *That efforts were made to apprehend the accused Sohan Lal and Sunil Kumar but in the meantime, the accused Sohan Lal filed petition u/s 438 of Cr.P.C seeking his anticipatory bail but the same was*



dismissed by the court of Ld. A.S.J., Jagadhri. Thereafter, the accused Sohan Lal was arrested in the preset case on 20-09-2023 and upon interrogation, the accused Sohan Lal suffered his disclosure statement and in pursuance of his disclosure statement, the accused Sohan Lal got demarcated the relevant places and also got recovered a mobile phone and 20 currency note amounting to Rs. 10,000/-.

- 9- That thereafter on 21-09-2023 the accused Sunil Kumar was arrested in the present case and upon interrogation, the above said Sunil Kumar suffered his disclosure statement and in pursuance of his disclosure statement, the said Sunil Kumar got demarcated the relevant places.*
- 10- That it is pertinent to mention here that during investigation, it has been found that the above said accused Sohan Lal along with his co-accused Sunil Kumar made misrepresentation and false promise to get the complainant employment in railway department and thereby managed to receive a sum of Rs.18,10,600/- from the complainant by cheating and defrauded. The accused also issued false, forged and fabricated appointment letter to the complainant. Thereafter, the accused Sohan Lal returned the amount of Rs.1,89,400/- to the complainant and in this regard, statement of bank account has been collected during investigation. The co-accused also issued two cheques of Rs.2,00,000/- each in the name of father of the complainant but out of which one cheque was dishonoured on presentation with the bank. The accused Sohan Lal issued appointment letter to the complainant. The copy of appointment*



*letter issued by the accused Sohan Lal is attached here for the kind perusal of this Hon'ble Court as **Annexure R-1**. The copies of cheques issued by the accused Sohan Lal are attached here with for the kind perusal of this Hon'ble Court as **Annexure R- 2 & R- 3** respectively.*

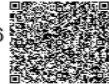
11- That the name and role of the accused Sohan Lal and his co-accused Sunil Kumar have been mentioned in the F.I.R. itself. It has been revealed during investigation, that the accused Sohan Lal and co-accused Sunil Kumar made misrepresentation and false promise to get the complainant employed in railway department and thereby managed to receive a sum Rs.18,10,600/- from the complainant by cheating and defrauding. The accused Sohan Lal and co-accused also prepared the false, forged and fabricated appointment letter and issued the same to the complainant. Thus, the accused Sohan Lal and Sunil Kumar played active role in the commission of offence and the accused Sohan Lal along with his co-accused Sunil Kumar has committed the aforesaid offence in a planned manner and in pursuance of their criminal conspiracy.

*12- That the respondents have not violated the directions or orders passed by the Hon'ble Supreme Court of India and this Hon'ble Court in any manner. Rather the **investigating agency has duly complied the directions passed by the Hon'ble Supreme Court of India and this Hon'ble Court and the above mentioned accused were arrested by following the due procedure of law.** Thereafter, the accused persons were produced before the Ld. Judicial Magistrate 1st Class, Yamuna Nagar, District*



Yamuna Nagar and the Ld. JMIC verified the facts of the case and reasons behind the arrest of the accused persons in the present case. Thereupon, the Ld. JMIC justifying the arrest of accused persons, in the present case remanded the accused persons to custody.

- 13- *That in this way, the investigating agency has duly complied the directions issued by the Hon'ble Supreme Court of India in "Arnesh Kumar vs State of Bihar and Another" as well as judgment dated 31-07-2023 passed in Criminal Case no.2207 of 2023 in SLP Criminal No.3433 of 2023 titled as "Mohammad Asfaq Aalam V/s State of Jharkhand and Another" and Notification No.159 Gaz. II (17) dated 22-09-2023 of this Hon'ble Court (Annexure P-11).*
- 14- *That during investigation sufficient evidence connecting the above said accused Sohan Lal and Sunil Kumar with the alleged offence has been collected and it has been found that the above said accused persons cheated and defrauded the complainant and thereby received an amount of Rs.18,10,600/- from the complainant prepared false, forged and fabricated documents. Thus the above said accused persons have committed the offence punishable U/s 420, 467, 468, 471, 506, 120-B I.P.C. in the present case, in a planned manner. It is also pertinent to mention here that during the investigation of present case, a pen drive containing conversation between the complainant Deepak Kumar, the accused Sunil Kumar and Ran Singh i.e. father of the complainant Deepak Kumar has been collected. The above said conversation itself is a*



*sufficient proof of involvement of above said accused in the present case. The copy of transcript of said conversation is attached here with for the kind perusal of this Hon'ble Court as **Annexure R-4**.*

15- *That it is also pertinent to mention here that the accused of present case namely Sohan Lal and Sunil Kumar are having criminal antecedents and beside the present case one other criminal case ie. case bearing F.I.R. No.239 Dated 03-07-2023 U/s 420, 467, 468, 471, 506, 120-B IPC has been registered against the accused Sunil Kumar at P.S. Bilaspur, Distt. Yamuna Nagar whereas one another case bearing and F.I.R. No.667 Dated 01-10-2023 U/s 406, 420, 506 IPC has been registered against the accused Sohan Lal at P.S. Shahbad, Distt. Kurukshetra. It is also pertinent to mention here that the above said Sunil Kumar and Sohan Lal have glove hands with each other and in pursuance of their criminal conspiracy, the above said Sunil Kumar and Sohan Lal have usurped lacs of rupees from the victim and now with a view to create a defence and with a view to escape from the liability, they are showing their fictitious dispute with other.*

16- *That the allegations leveled by the petitioner against the police are totally false, baseless and beyond the iota of any truth. In fact, the investigation of the above mentioned case has been conducted in a free, fair and impartial manner. **It is also wrong that no preliminary inquiry has been conducted before registration of F.I.R. In fact, a complaint no.CM/OFF/J/2023/017174 dated 16-08-2023 moved by the complainant against Sohan Lal and co-accused Sunil Kumar was received in the police***



station and there upon preliminary inquiry was made by the police and on finding the substance in the allegations, the report thereof was submitted before the higher officials and after verifying the facts of the case, the Ld. D.S.P. (Head Quarter) Yamuna Nagar further recommended the registration of F.I.R. in the present case and thereupon the Ld. Superintendent of Police, Yamuna Nagar endorsed the registration of F.I.R. and thereupon the present F.I.R. was registered.

17- That the contentions raised by way of present petition are purely question of fact and cannot be decided in the present petition at this stage and even from the contentions raised by the petitioners, no ground for initiating contempt proceedings against the respondents is made out.

18- That thus, the above mentioned directions passed by the Hon'ble Supreme Court and by this Hon'ble Court has been duly complied with in the letter and spirit.”

3. A perusal of the same shows that FIR under Sections 406, 420, 467, 468, 471, 506 & 120-B IPC was registered against the husband of the petitioner and a bare reading of the guidelines issued by Hon'ble Supreme Court in **Arnesh Kumar's case (supra)** and the pleadings in the present contempt petition shows that no contempt is made out. Still the petitioner has filed the present contempt petition just to harass the respondents. Despite having due knowledge of the legal position, the petitioner chose to file present contempt proceedings and continued to pursue the same without any justifiable or tenable grounds of law. Such conduct amounts to gross abuse of the process of law and unnecessarily adds to the burgeoning pendency of cases before this Court.

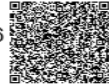


4. Normally when there is apparent contempt by the official respondents, this Court imposes costs to be deducted from their salary for non-compliance of the order. The present case is the set example of the litigants, who are in the habit of blaming/targeting the official respondents unnecessarily. A perusal of the file shows that there is no disobedience by the respondents, rather, they are doing their duties effectively and efficiently.

5. It is well settled that contempt jurisdiction is required to be exercised with great caution and circumspection and only in cases where willful and intentional disobedience of an order of the Court is clearly made out. The jurisdiction cannot be invoked to settle scores or to unnecessarily harass officials, particularly when the record reflects compliance with the directions issued by this Court.

6. Similar matter has already been dealt with by this Court in **COCP-3579-2025** decided on 24.07.2025 titled as “**Payal Chaudhary V/s KAP Sinha IAS and others**”, while placing reliance on the judgments passed by Hon’ble Supreme Court in case titled as “**Dalip Singh V/s State of Uttar Pradesh and others (2010) 2 SCC 114, Subrata Roy Sahara V/s Union of India (2014) 8 SCC 470 and K.C. Tharakan V/s State Bank of India & Ors. passed in Writ Petition (Civil) Diary No(s).27458/2022**”. The relevant paragraphs of **Payal Chaudhary (supra)** are reproduced as under:-

“9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court. The tendency of litigants to misuse the judicial forum by

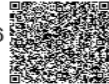


engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

10. *The Hon'ble Supreme Court, in **Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114**, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice with unclean hands, are not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-*

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

11. *The petitioner's conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon'ble Supreme Court in **Subrata Roy Sahara v. Union of India (2014) 8 SCC 470**, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the*



Indian judicial system. The Hon'ble Apex Court observed as under:-

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and illconsidered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

*12. The Hon'ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as **K.C. Tharakan v. State Bank of India & Ors.** decided on 01.05.2023, the Hon'ble Apex Court held as follows:*

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

7. In view of the above referred to judgments, this Court is firmly of the opinion that the instant petition constitutes a glaring instance of misuse of the judicial process. It is, therefore, incumbent upon this Court to safeguard the sanctity of judicial proceedings and to prevent their



exploitation by unscrupulous litigants. The time and resources of this Court are limited and must be reserved for *bona fide* grievances that merit judicial consideration.

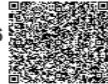
8. The aforesaid judgments clearly emphasize that frivolous and vexatious litigation must be curbed with a firm hand. The repeated filing of meritless petitions not only results in wastage of precious judicial time but also causes unnecessary harassment to public officials, who are constrained to defend themselves despite having acted in accordance with law.

9. Therefore, in the considered opinion of this Court, the time has come when not only deterrent costs must be imposed upon the official respondents but also upon the frivolous litigants. If, in cases of genuine disobedience, costs can be imposed upon officials and recovered from their salaries, there is no reason why, in cases of manifest abuse of process such as the present one, the erring petitioner should not be saddled with exemplary costs payable to the affected officials.

10. Accordingly, with a view to send a strong deterrent message and to preserve the sanctity of judicial proceedings, this Court deems it appropriate to impose costs of ₹1,00,000/- upon the petitioner, to be disbursed to the respondents, in equal shares.

11. The said amount shall be deposited with the respondents in their bank accounts.

12. Consequently, the present contempt petition is **dismissed** with costs of ₹1,00,000/- (₹ One Lakh Only), to be disbursed to the respondents, in equal shares i.e., ₹50,000/- each. The respondents are directed to provide their bank account details to the petitioner.



13. In the event of default in compliance, the amount shall be recovered from the petitioner as arrears of land revenue by the competent authority.

14. Pending miscellaneous applications, if any, are also disposed of.

22.04.2026

(SUDEEPTI SHARMA)

P. Seth

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No