



COCP-5510-2025

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

COCP-5510-2025 (O&M)
Reserved on : 23.02.2026
Pronounced on : 27.03.2026
Uploaded on : 27.03.2026

Rajiv Bhardwaj

...Petitioner

Versus

Nikita

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amar Vivek Aggarwal, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. The petitioner is seeking initiation of proceedings under Sections 10 & 12 of the Contempt of Courts Act, 1971 (*hereinafter, the 'Act'*), for allegedly submitting a false affidavit before the Family Court, Jalandhar, during the pendency of proceedings under Section 125 of the Code of Criminal Procedure, 1973 (*for short, 'the Cr.P.C.'*).

2. Learned counsel for the petitioner contends that the respondent-wife initiated legal proceedings under Section 125 of the Cr.P.C., seeking maintenance from the petitioner. During the pendency of the said petition, the respondent submitted an affidavit with misleading narrations that she had no source of income. Ultimately, the said petition was allowed by the Family Court, vide order dated 16.01.2023 (Annexure P-3). It is contended that in fact, the respondent-wife was regularly receiving monthly salary of Rs.26,844/-, which is credited in her Bank account maintained with the HDFC Bank, as per

the statement of account (Annexure P-2). However, the fact was not



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within the knowledge of the petitioner at the time of passing of judgment (Annexure P-3), which came to the notice of the petitioner later on. It is also contended that statement of HDFC Bank was not within the notice of the petitioner at the time of passing the judgment (Annexure P-3), but subsequently, he has come to know about the same. As such, prayer has been made for initiation of proceedings under Sections 10 & 12 of the Act against the respondent.

3. I have heard learned counsel for the petitioner and perused the paper-book.

4. As per the averments in the petition, the petitioner has already availed an alternate remedy by filing an application under Section 340 read with Section 151 Cr.P.C., seeking inquiry, with the allegations that the respondent had filed a false affidavit before the Family Court. It is also noticed that the petitioner is having an alternate remedy of appeal by way of raising challenge to the judgment (Annexure P-3).

5. It is a settled principle of law that even if this Court finds that a party has committed contempt of court, contempt jurisdiction should be exercised sparingly, depending on the facts and circumstances of each case and reference in this regard can be made to the judgment of a Division Bench of the Delhi High Court in *Rajat Gupta and others Vs. Rupali Gupta and others, 2018(2) DMC 376*, wherein it was held as under:-

“45. At the same time, the courts have held in several judicial pronouncements that contempt jurisdiction should be exercised sparingly and even if it finds that a party has committed contempt of court, courts can always exercise their discretion to drop contempt proceedings, depending



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*on the facts and circumstances of a case. If the alleged contemnor can satisfy the court that such a disobedience/breach of the undertaking/settlement agreement/consent order/decree was under some compelling circumstances and not on account of deceit or fraud etc. or that the terms were not executable or enforceable in law, then the court can exercise its discretion to drop the said proceedings and decline to punish the contemnor. The court can also give directions to remedy/rectify the consequences of the actions suffered by the aggrieved party, caused on account of the breach of the undertaking/settlement agreement/consent order/decree. However, a contempt proceeding remains a matter exclusively between the court and the alleged contemnor. In the case of **D.N. Taneja v. Bhajan Lal reported as (1988) 3 SCC 26** and referred to by Mr. Ashish Virmani, the Supreme Court has highlighted the said position and held that any person, who moves the court for contempt, only brings to the notice of the court certain facts constituting contempt of court. After furnishing the said information, he may assist the court but at the end of the day, there are only two parties in such proceedings, the court and the contemnor.”*

6. In view of the aforesaid legal position and the fact that the petitioner has already availed a remedy under Section 340 Cr.P.C. by way of filing an application before the Family Court; and also has an alternate remedy of filing an appeal against the judgment passed by the Family Court (Annexure P-3), this Court is of the considered opinion that no case for initiation of proceedings under Sections 10 and 12 of the Act is made out.

9. Consequently, present petition is hereby dismissed.



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10. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.03.2026
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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No