



2026:DHC:4061



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.05.2026+ CONT.CAS(C) 124/2026, CM APPL. 29747/2026

SHEELA DEVI

....Petitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Mr. Bharat Chaudhary, Ms. Vinita, Ms. Monika, Ms. Nikita Chaudhary, Mr. Parambir Singh, Advs.

Mr. Jai Sahai Endlaw, Ms. Shambhavi Kala, Advs. for Applicant.

versus

RAVI KUMAR SINGH

.....Respondent

Through: Mr. Sandeep Tyagi (SPC) for R1.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioner seeking initiation of contempt proceedings against the respondent no. 1 for alleged willful disobedience of the law laid down by the Supreme Court in ***Lalita Kumari v. Govt. of U.P. & Ors.***, (2014) 2 SCC 1. The relevant portion of the judgment is reproduced as under –

“119. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable



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offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.

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120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

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120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.”

2. It is submitted that the petitioner is the owner of properties bearing Nos. A-1, Greater Kailash-II and N-118, Greater Kailash-I, New Delhi. It is the case of the petitioner that her sons, namely Romi Garg and Kapil Garg, have been attempting to illegally usurp the aforesaid properties through fraudulent and unlawful means.
3. It is submitted that the said persons are habitual offenders and have been involved in numerous civil and criminal cases and several FIRs are registered against them.
4. The said persons are stated to have forged and fabricated an Agreement to Sell dated 15.05.2023, purportedly executed between the petitioner and Romi Garg in respect of basement, ground floor and first floor of property bearing No. A-1, Greater Kailash Enclave-II, New Delhi and property bearing No. N-118, GK-I, New Delhi.
5. The petitioner categorically denies execution of any such document. It is further alleged that on the basis of the said forged document, another



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fabricated Agreement to Sell dated 22.07.2024 was created between Romi Garg and his company, White Paper Design Pvt. Ltd., with respect to the property bearing No. A-1, Greater Kailash Enclave-II, New Delhi.

6. It is submitted that upon becoming aware of the aforesaid acts of forgery and fraud, the petitioner lodged a complaint dated 21.07.2025 before the DCP, Economic Offences Wing, seeking registration of an FIR for multiple cognizable offences against the said persons.

7. It is contended by the petitioner that despite the complaint disclosing commission of cognizable offences, no FIR was registered by the respondent no. 1. It is submitted that in the Economic Offences Wing, the DCP functions as the officer in charge, and is therefore obligated to act in accordance with law.

8. It is further submitted that the accused Romi Garg filed a petition being Crl. M.C. No. 7160/2025 before this Court seeking quashing of the petitioner's complaint. However, the said petition was dismissed *vide* order dated 09.10.2025.

9. It is averred that in *Lalita Kumari* (supra), it has been held that upon receipt of information disclosing commission of a cognizable offence, the officer in charge of a police station is duty bound to register an FIR, and failure to do so invites action against the erring officials.

10. It is further submitted that the preliminary inquiry is to be completed within a period of seven days. However, in the present case, after a delay of about five months, the respondent, vide communication dated 13.12.2025, concluded that no cognizable offence was made out. It is contended that such a finding, without registration of an FIR and without conducting a proper investigation, is *ex facie* illegal and in direct contravention of the law



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laid down by the Supreme Court in ***Lalita Kumari*** (supra).

11. It is contended that a bare perusal of the complaint dated 21.07.2025 clearly discloses commission of several cognizable offences, and therefore the respondent was under a mandatory obligation to register an FIR and proceed with investigation. It is averred that the failure to do so, despite settled legal position and binding judicial precedent, amounts to deliberate and willful disobedience of the directions issued by the Supreme Court.

12. Being aggrieved of the same the petitioner has filed the present petition.

13. The respondent no. 1 has strenuously objected to the maintainability of the present petition and has placed reliance upon ***Vitusah Oberoi & Ors. v. Court of Its Own Motion***, (2017) 2 SCC 314 in support of the contention that this Court cannot entertain a petition alleging contempt of an order passed by the Supreme Court.

14. Further reliance has been placed on ***Hitarth Atulkumar Chag V. Sunil Ishrani , Police Inspector***, 2023:GUJHC:23766-DB, ***Fuliben Ashokbhai Rathod v. State of Gujarat***, 2023 SCC OnLine Guj 2343 and ***Miss Reetu v. Dr. Sukhchain Singh, IPS and others***, 2016 SCC OnLine P&H 16146 to contend that the High Courts do not possess jurisdiction to punish for alleged violation of the directions/guidelines issued by the Supreme Court in ***Lalita Kumari*** (supra).

15. Upon consideration of the submissions advanced, this Court finds merit in the aforesaid objection raised by the respondent no. 1 regarding the maintainability of the present proceedings.

16. At this stage, it would be apposite to refer to Sections 10 and 11 of the Contempt of Courts Act, 1971, which read as under -



“10. Power of High Court to punish contempts of subordinate courts.—Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself:

Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code, 1860 (45 of 1860).

11. Power of High Court to try offences committed or offenders found outside jurisdiction.—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits.”

17. Reference must also be made to Articles 129 and 215 of the Constitution of India. Article 129 is reproduced as under –

“129. Supreme Court to be a court of record.—The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.”

18. Article 215 is reproduced as under –

“215. High Courts to be courts of record.—Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.”

19. A conjoint reading of the aforesaid constitutional and statutory provisions leaves no manner of doubt that the jurisdiction of a High Court in contempt matters extends to contempt of itself and contempt of courts subordinate to it.

20. Neither the Contempt of Courts Act, 1971 nor Article 215 of the Constitution confers jurisdiction upon a High Court to entertain or adjudicate contempt proceedings alleging violation of orders or directions issued by a superior constitutional court, the Supreme Court of India.



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21. In ***Vitusah Oberoi & Ors. v. Court of Its Own Motion*** (supra), the Supreme Court has held as under –

“10. There is, from a plain reading of the above, nothing in the Contempt of Courts Act, 1971 or in Article 215 of the Constitution which can be said to empower the High Court to initiate proceedings suo motu or otherwise for the contempt of a superior court like the Supreme Court of India. As a matter of fact, the Supreme Court under Article 129 and the High Court under Article 215 of the Constitution are both declared to be courts of record. One of the recognised attributes of a court of record is the power to punish for its contempt and the contempt of courts subordinate to it. That is precisely why Articles 129 and 215, while declaring the Supreme Court and the High Courts as courts of record, recognise the power vested in them to punish for their own contempt. The use of the expression “including” in the said provisions is explanatory in character. It signifies that the Supreme Court and the High Courts shall, as courts of record, exercise all such powers as are otherwise available to them including the power to punish for their own contempt.

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12. The power to punish for contempt vested in a court of record under Article 215 does not, however, extend to punishing for the contempt of a superior court. Such a power has never been recognised as an attribute of a court of record nor has the same been specifically conferred upon the High Courts under Article 215. A priori if the power to punish under Article 215 is limited to the contempt of the High Court or courts subordinate to the High Court as appears to us to be the position, there was no way the High Court could justify invoking that power to punish for the contempt of a superior court. That is particularly so when the superior court's power to punish for its contempt has been in no uncertain terms recognised by Article 129 of the Constitution. The availability of the power under Article 129 and its plenitude is yet another reason why Article 215 could never have been intended to empower the High Courts to punish for the contempt of the Supreme Court. The logic is simple. If the Supreme Court does not, despite the availability of the power vested in it, invoke the same to punish for its contempt, there is no question of a court subordinate to the Supreme Court doing so. Viewed from any angle, the order passed by the High Court appears to us to be without jurisdiction, hence, liable to be set aside.”

22. In ***Hitarth Atulkumar Chag v. Sunil Ishrani, Police Inspector,***



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2023:GUJHC:23766-DB, the Division Bench of the Gujarat High Court, while dealing with a plea alleging wilful disobedience of the directions issued in ***Lalita Kumari*** (supra), observed as under -

“12. In view of the aforesaid position, when we read Section 10 of the Contempt of Courts Act read with Article 215 of the Constitution of India, it gives a clear situation that for alleged violation of directions of Hon’ble Supreme Court, High Court would not have any jurisdiction to step in. Overstepping by the High Court would tantamount not only to tinkering with language of statutory provision but also would cross judicial discipline and as such we are of the opinion that if directions contained in an order passed by Hon’ble Apex Court if disobeyed, same can be taken care of by Hon’ble Apex Court.

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20. Now, reverting back to the case on hand, what has been alleged is the conduct of respondent authority in not observing the directions issued by the Hon’ble Apex Court and therefore, request for initiating appropriate action under the provisions of Contempt of Courts Act and punish. A perusal of this entire judgment and order of Hon’ble Apex Court indicates that it is no-doubt a direction issued in a specific terms but then as has been clarified and explained in two previous decisions of Arnesh Kumar (supra) and D.K. Basu (supra), no such positive observations or directions are mentioned which would permit the High Court to initiate action under the provisions of the Contempt of Courts Act and therefore, even if it is alleged that there is a violation of these directions issued by Hon’ble Apex Court in case of Lalita Kumari (supra). It is not open for the High Court to overstep and travel beyond its jurisdiction which has already been confined by virtue of Section 10 of the Contempt of Courts Act read with Article 215 of the Constitution of India. It is also quite settled proposition of law that High Court cannot pass any order against the statutory provision.

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22. In light of the observations contained in the judgment of Allahabad High Court in the case of Shabina v. Shogun Gautam and Another reported in 2020 SCC OnLine All 1365, yet another decision of Allahabad High Court dated 31.8.2020 rendered in the case of Anand Dwivedi v. H.C. Awasthi and others and also the decisions of High Court of Chhattisgarh at Bilaspur dated 2.8.2021 in the case of Vijay



Laxmi Sharma v. State of Chhattisgarh and others, we are also of the opinion that entertaining this petition would tantamount to overstepping the jurisdiction. Since the main relief is only to the extent of framing of charge, trying the accused and punish the respondents for committing contempt of Hon'ble Apex Court, as indicated above.

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24. It is a trite law that contempt jurisdiction is a powerful weapon in the hands of the Courts of law, but that by itself operates as a string of caution as well. Proceedings are quasi criminal in nature and as such, said jurisdiction cannot be exercised on mere probabilities and it is also a settled position of law that if two interpretations are possible, jurisdiction may not be desirable to be exercised and this power to punish for contempt is a special and rare power and this drastic power if misdirected, would result into miscarriage of justice on either way and Courts while exercising this jurisdiction must not travel beyond four corners of the order which is alleged to have been flouted or enter into, question that have not been dealt with or decided in the judgment or the order failure of which is alleged. Only such directions which are explicit in a judgment or the order or plainly self-evident ought to have been taken into account for the purpose of consideration as to whether there has been any violation and Courts while exercising this jurisdiction must ensure that while considering a contempt plea, jurisdiction available to the Court in other corrective powers like review or appeal is not trenched upon and as such, with this limits, which are well-defined, we are of the view that since Hon'ble Apex Court in case of Lalita Kumari (supra) having not clarified or directed or explained as to what has been done in the case of D.K. Basu (supra) and Arnesh Kumar (supra), we are of the opinion that in the absence of such, to entertain the contempt petition would be tinkering with jurisdictional limits which are well defined by virtue of provisions as indicated above. Hence, present contempt petition for want of jurisdiction is not entertainable."

23. Similarly, in **Fuliben Ashokbhai Rathod**, (supra) the Gujarat High Court while relying upon **Hitarth Atulkumar Chag** (supra), has observed as under –

"6. Thus, the Division Bench, on an identical issue, has already opined as stated hereinabove and hence, the present contempt petition is not maintainable as powers can only be exercised by the Apex Court under Article 229 of the Constitution of India. The petitioner has also



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an alternative remedy of challenging the action of the respondents by filing appropriate proceedings before the appropriate forum, more particularly under Section 156(3) read with Section 190 of the Criminal Procedure Code, 1973.”

24. In **Miss Reetu v. Dr. Sukhchain Singh, IPS and others**, 2016 SCC OnLine P&H 16146, the Punjab and Haryana High Court held as under—

“16. Perusal of the provisions of the Act would show that the power to punish for contempt of subordinate Courts by the High Court is derived from Section 10 of the Act and it also has power to punish contempt of itself under the provisions of the Act as also under Article 215 of the Constitution of India. It cannot be said that the power to punish for contempt of orders passed by the subordinate Courts is derived under Article 215 but it is only under the Act. The High Court has been conferred jurisdiction to the extent as provided under the Act to punish for contempt of itself and the subordinate Courts. The intent of the legislature is, therefore, clear that the jurisdiction of the High Court to punish for contempt is limited to the subordinate Courts and not to the superior Courts than the High Court. The expression ‘Court subordinate to the High Court’ in Section 10 of the Act would lead to only one conclusion that the High Court can exercise powers under the Act to the Courts subordinate to it in the hierarchy of the Court established for the purpose of administration of justice but it would not include the Supreme Court which cannot be said to be a Court subordinate to the High Court. Similarly the expression ‘Court’ in Section 2(b) or expression ‘any Court’ mentioned in Section 2(c) of the Act cannot include the power of the High Court to punish for the civil contempt or criminal contempt of the Supreme Court unless there are observations/directions in the order, contempt of Court whereof is alleged to have been committed, indicating or specifically stating that the High Court would monitor or seek compliance or violation of the order would be contempt of Court which can be filed in the High Court which has jurisdiction where such contempt is committed or such other observations etc.

17. In view of the above and especially in the light of the fact that the Supreme Court has not observed anything with regard to taking cognizance of any violation by the officials/competent authority qua the directions and conclusions recorded in para 111 of the judgment in Lalita Kumari's case (supra), which would enable this Court to initiate or take action against the alleged contemnor, this Court would not like to exercise its jurisdiction in the present contempt petition.”

25. The dicta laid in the above judgments squarely applies in the present



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case as well. Consequently, a contempt petition alleging violation of directions issued by the Supreme Court would not be maintainable before this Court.

26. However, the aforesaid conclusion does not, in any manner, dilute the binding force of the directions issued by the Supreme Court in ***Lalita Kumari*** (supra). The said directions continue to bind all concerned authorities and officials, who are duty-bound to act in strict compliance thereof.

27. If the petitioner is aggrieved by any alleged inaction or omission on the part of the concerned officials, the petitioner is at liberty to avail other appropriate legal remedies, including remedies under the criminal law against the concerned officials, and/or take recourse to other proceedings as may be maintainable in accordance with law.

28. The present petition is, consequently, dismissed with the aforesaid liberty to the petitioner.

SACHIN DATTA, J

MAY 4, 2026/at/sv