



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

CR-7045-2016 (O&M)

Date of Decision : 17.09.2025

Sanjay Kumar

... Petitioner(s)

Versus

Tek Ram & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.N. Lohan, Advocate for the petitioner.

Ms. Parbeen Kumari, Advocate for
Mr. Amit Kumar Jain, Advocate for respondent Nos.1 to 5.

None for respondent No.6.

Mr. Ram Bhati, Advocate for
Mr. N.K. Chhokar, Advocate for respondent No.7.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 01.10.2016 (Annexure P-4) passed by the Additional Sessions Judge, Jind on a petition for contempt of court.

2. Brief facts relevant to the present *lis* are that 665 kanals 14 marlas of land owned by Jumla Mustarka Malkan in Village Butani was attached under Sections 145/146 of the Code of Criminal Procedure, 1973 and possession of the said land was handed over to the Receiver. Vide order dated 02.01.2011 the Sub Divisional Magistrate, Safidon ordered the release of the land in favour of the Gram Panchayat. The income earned during the period the land remained in possession of the Receiver was also handed over to

Sarpanch – Sanjay Kumar. The respondents herein challenged the order dated 02.01.2011 passed by the SDM. The revision petition was allowed and the order of the SDM was quashed vide order dated 18.01.2012 passed by the Court of Additional Sessions Judge, Jind. The original Receiver was directed to take possession of the property. Thereafter, the respondents herein filed a petition before the Court of Additional Sessions Judge, Jind for initiation of contempt proceedings for violation of the order dated 18.01.2012. Vide the impugned order the Additional Sessions Judge, Jind though dismissed the contempt petition, however, directed the registration of an FIR against Sanjay Kumar, Sarpanch, Gram Panchayat Village Butani, Tehsil Safidon, District Jind (petitioner herein) and to conduct a detailed investigation into the embezzlement made by him during his tenure as Sarpanch. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the petitioner would contend that only the High Court has the power to try for contempt and that having dismissed the contempt petition, the Court has totally gone beyond its jurisdiction in directing the registration of an FIR against the petitioner herein. Learned counsel has further relied upon the order dated 21.05.2015 passed in CRM-M-36876-2012 to contend that in an identical case between the same parties, wherein the contempt proceedings were initiated, the order was set aside by this Court.

4. *Per contra* learned counsel for respondent Nos.1 to 5 would contend that a reference was sent to this Court to convict the petitioner under the Contempt of Courts Act, 1971 and, therefore, no fault can be found with the impugned order.

5. I have heard the learned counsel for the parties.

6. In the present case the respondents herein filed a petition alleging contempt of the order dated 18.01.2012. The Court of Additional Sessions Judge, Jind while taking cognizance of the petition dismissed the petition qua the issue of contempt of court, however, directed the registration of an FIR against the petitioner herein. Having noticed in para 10 of the order that reference has to be made to this Court under the Contempt of Courts Act, 1971, the Court went on to hold that the contempt was not made out and dismissed the petition qua the contempt of the order dated 18.01.2012. Thereafter, the Court went further to direct the registration of an FIR against Sanjay Kumar, Sarpanch, Gram Panchayat Village Butani, Tehsil Safidon, District Jind (petitioner herein). It is not understandable as to under what provisions of law the petition was filed and subsequently entertained and directions were issued for registration of an FIR. Learned counsel for the respondent has not been able to point out to any provision of law under which such directions could have been passed by the Court.

7. In view of the above, the impugned order dated 01.10.2016 (Annexure P-4) passed by the Additional Sessions Judge, Jind cannot be sustained in law and the same is accordingly set aside. The present revision petition is allowed. Pending applications, if any, also stand disposed off.

17.09.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO