



COCP-2507-2025 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

COCP-2507-2025 (O&M)

Date of Decision : 17.07.2025

Saurabh Bhardwaj

... Appellant

Versus

Sh.Alok Mittal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ganesh Chand Sharma, Advocate,
for the appellant THROUGH VC.

PANKAJ JAIN, J. (Oral)

Present petition has been filed by the petitioner seeking action against the respondents qua having not complied with order dated 23.07.2024 deliberately. The operative part of the order passed by the Writ Court reads as under : -

“This Court would not like to enter into the merits of the allegations made in the said representation/complaint and leave it for the respective authorities to whom the representation/complaint has been made to consider the same at their own level, in accordance with law.”

2. Complaint dated 26.07.2022 has not been placed on record. On the last date, counsel was asked to show the provision with respect to the duty cast upon the authorities to decide the complaint by passing speaking order. Counsel for the petitioner has relied upon the ratio of law laid down in



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M/s Kranti Associates Private Limited and another v. Sh.Masood Ahmed Khan and others decided on 08.09.2010 wherein the Court observed as under : -

“8. This Court always opined that the face of an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, must speak. It must not be like the ‘inscrutable face of a Sphinx’.

3. In the considered opinion of this Court, the issue with respect to the complaint filed before the police authorities has not been addressed in **M/s Kranti Associates Private Limited’s** case (supra) relied upon by the counsel for the petitioner. Thus, the reliance placed is totally misplaced.

4. In the considered opinion of this court, even though, the complaint is filed before the police authorities but they have no authority to adjudicate thereupon. As per settled proposition of law as laid down by Supreme Court in the case of **Lalita Kumari v. Government of U.P. and others**; reported as **2013 (4) RCR (Criminal) 979**, the police authorities on finding that the complaint discloses cognizable offence, are required to register FIR under the relevant provisions of law. In case the police authorities find that the complaint does not disclose cognizable offence, they are not required to pass ejectory order as is being suggested by the counsel for the petitioner. It is, in these circumstances, that the writ Court directed the authorities to consider the complaint only. In case the complainant-petitioner is aggrieved of inaction of the police authorities, remedy is not to approach this Court by way of contempt petition but to approach the



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Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

5. In view of above, finding no merit in the present petition, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

July 17, 2025

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No