



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

COCP No.2613 of 2025
Date of Decision: 23.05.2025

Surya Partap Singh

...Petitioner

Versus

Ganga Ram Punia and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present contempt petition has been preferred under Sections 12 and 14 of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the respondents for intentionally and deliberately violating order dated 04.02.2025 (Annexure P-3) passed by the Court of Additional District Judge, Karnal.

2. The facts, as emanating from the contempt petition, are that a civil suit was filed by the uncles of the present petitioner namely Mahesh Pal Singh and Jatinder Pal Singh for declaration and permanent injunction. The said suit was decreed by the Court of Civil Judge (Jr. Division), Karnal, vide judgment and decree dated 03.10.2024 (Annexure P-2). The petitioner preferred an appeal against the said judgment and decree, in which vide order dated 04.02.2025, the operation of the judgment and decree dated 03.10.2024 was stayed. It is the case of the petitioner that despite the said relief having been granted, FIR No. 236 dated 23.04.2025 was registered at Police Station Gharounda, District Karnal, under Section 25 of the Arms Act

and Sections 115, 126, 190, 191(3) and 351(3) of BNS. The case of the petitioner, therefore is that the registration of FIR amounts to contempt of Court.

3. Learned counsel for the petitioner submits that by registering an FIR respondents have committed willful disobedience of order dated 04.02.2025 passed by the Court of Additional District Judge, Karnal.

4. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

5. It is not in dispute that operation of the judgment and decree dated 03.10.2024, passed by the Court of Civil Judge (Jr. Division), Karnal, was stayed by the Court of Additional District Judge, Karnal vide order dated 04.02.2025. In the judgment and decree dated 03.10.2024, passed by the Court of Civil Judge (Jr. Division), Karnal, the following relief was granted:-

“The relief of declaration is granted in favour of the plaintiffs to the effect that the said Fard Badar no.6 (Ex. P8) and subsequent revenue record regarding the suit property, the said Transfer Deed bearing No.2000/1 dated 26.09.2019 (Ex.P1) executed by the defendant no.2 in favour of the defendant no.1 and the mutation no.2556 (Ex.P2) are absolutely wrong, illegal, null and void as well as not binding upon the rights of the plaintiffs; and

The relief of permanent injunction is granted in favour of the plaintiffs to the effect that defendant no. 1 and 2 are hereby restrained from alienating the suit property by way of transfer, gift deed, lease deed, mortgage deed, disposing of etc. in any manner as well as from dispossessing the plaintiffs from the suit property illegally and forcibly in any manner.”

In the FIR, the following allegations were leveled:-

“Copy of complaint is attached. To the SHO police station Gharounda Subject: for stopping from cutting the crop and for open life-threatening attack and regarding man handling. Sir it is submitted that I Jatinderpal and my brother Maheshpal on 17.04.2025 at about 8:00 p.m. in order to remove the standing crop of wheat through combine went from Village Arainpura to our fields situated at village Gianpura. All of sudden two cars stop nearby us one was Tata Altroz and another was a black colour car. Satpal Singh son of Jaipal Singh, Jaipal Singh son of Sunehra Singh were alighted from Altroz car whereas from black colour car Shakti son of Kuldeep and Surya Partap son of Satpal resident of Arainpura and 5/6 other persons were alighted and Shakti and Surya Partap were armed with the Kattas. Satpal and Jaipal were having sticks. All of them inconnivance with each other stop the cutting of crop through combine and also wrongful restraint our path and also manhandled with us and threatened us for dire consequences and also threatened that in case we again enter into the field then we will be eliminated. You are therefore prayed that kindly take appropriate strict legal action against the accused persons and justice be done to me. Applicant SD Jitender Singh son of Jaipal Singh resident of village Arainpura 9050666577. Police Proceedings.”

6. It is a settled position of law that Civil and Criminal proceedings can go on side by side and merely on account of a stay order having been passed, initiation of criminal proceedings can never be said to be a bar. Even otherwise, the relief granted and the allegations in the FIR do not connect.

That being so, I do not find it to be a case of commission of contempt of the orders passed by the Court. Accordingly, finding no merit, the present contempt petition is dismissed.

(VIKRAM AGGARWAL)

JUDGE

May 23, 2025

Rekha

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