

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
CONTEMPT PETITION (CIVIL) NO.737 OF 2017
IN
CIVIL APPEAL NO.2356 OF 2017

SUBE SINGH . . .PETITIONER(S)

VERSUS

VINAY SINGH & ORS. . .RESPONDENT(S)

ORDER

1. We have heard the learned counsels for the parties.

2. This contempt petition has been filed alleging willful disobedience of the order of this Court dated 10th February, 2017 passed in Civil Appeal No.2356 of 2017. The operative direction in respect of which contempt is alleged to have been committed may be set out hereunder:

"Instead the High Court should have left it open for the concerned Department/Authority to act in accordance with law on the

basis of the report submitted by the Director General, State Vigilance Bureau. We, therefore, modify the order of the High Court and leave it open for the concerned Department/Authority to take steps as may be considered appropriate in accordance with law on the basis of the said report."

3. We have perused the counter affidavit dated 10th July, 2017 filed on behalf of the respondents Nos. 2 to 4; supplementary counter affidavit dated 28th July, 2017 filed on behalf of the respondent/contemnor No.3 (Mohinder Singh, Inspector, SHO Police Station, State Vigilance Bureau, Hisar, District Hisar, Haryana) and detailed supplementary counter affidavit dated 27th July, 2017 filed on behalf of the respondent/contemnor No.4 (Devi Lal, Inspector, State Vigilance Bureau, Jind Unit, District Jind, Haryana). In the detailed counter affidavit filed on behalf of the respondent/contemnor No.4 (Devi Lal)

it has been admitted that the said respondent (Devi Lal) was present in Court on the date when the order of this Court dated 10th February, 2017 was passed. However, the First Information Report (FIR) in question (No.0003) filed on 23rd February, 2017 with P.S. SVB Hisar, State Vigilance Bureau, Haryana was so filed not by the respondent No.4 (Devi Lal) but by the respondent No.3 (Mohinder Singh).

4. In the order dated 10th February, 2017 in respect of which disobedience has been alleged this Court had permitted the respondents to take steps in accordance with law on the basis of the report submitted by the Director General, State Vigilance Bureau. From the averments in the aforesaid detailed counter affidavit dated 27th July, 2017 filed on behalf of the respondent No.4 in which reference has been made to the FIR in question filed on 23rd

February, 2017 it has been submitted that the same has been so filed on the basis of the aforesaid report. The respondents having clarified the matter and further having stated that the lodgement of the FIR was brought to their notice only on 27th February, 2017 along with the copy of the order of this Court we are of the view that in the totality of the facts of the case no case for commission of contempt is made out.

5. We make it clear that the present order should not be construed to be expression of our views with regard to the correctness or otherwise of the allegations made in the FIR and all that has been found by the Court in the present order is that the FIR in question was lodged by the respondent No.3 (Mohinder) in accordance with the order of this Court and on the basis of the enquiry report of the

Inspector General of Police submitted to the Director General, State Vigilance Bureau.

6. In the above light, it will, naturally, be open for the petitioner, if he is so aggrieved, to avail of such remedies as may be open to him in law insofar as the aforesaid FIR is concerned.

7. With the aforesaid observations the contempt petition is disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(L. NAGESWARA RAO)

.....,J.
(NAVIN SINHA)

NEW DELHI
AUGUST 01, 2017

ITEM NO.7

COURT NO.4

SECTION

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) NO. 737/2017 IN C.A. NO. 2356/2017

SUBE SINGH

PETITIONER(S)

VERSUS

VINAY SINGH & ORS.

RESPONDENT(S)

(AND IA NO.63652/2017-EXEMPTION FROM FILING O.T.)

Date : 01-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Mahabir Singh, Sr. Adv.
Mr. Rakesh Dahiya, AOR
Mr. Randhir Singh Kalkal, Adv.
Mr. Aditya Dahiya, Adv.

For Respondent(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Alok Sangwan, AAG
Mr. Sunny Kadiyan, Adv.
For Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following
O R D E R

The contempt petition is disposed of in terms of
the signed order.

[VINOD LAKHINA]

[ASHA SONI]

AR-cum-PS

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]