

suit is in direct contravention and disobedience of the dictum of this Court in the case of *Vijay Kumar Ghai & Ors. (Supra)*.

To support the contention that deliberate and mala fide conduct of not following the law laid down by this Court, tantamounts to contempt, reliance is placed on the judgment of this Court rendered in the case of "*Shri Baradakanta Mishra, Ex Commissioner of Endowments Vs. Shri Bhimsen Dixit*" (1973) 1 SCC 446.

Prima facie the matter requires consideration.

Issue notice returnable within four weeks.

Dasti service, in addition, is permitted.

Personal appearance of the alleged contemnor(s) is dispensed with for the time being.

Considering the facts and circumstances, by way of an ad interim order, there shall be stay of proceedings arising out of FIR No.646 of 2022 dated 26.10.2022 registered at police station Titagarh, Barrackpur Police Commissionerate, North 24, Parganas, West Bengal including the effect of orders/letters dated 01.12.2022 & 06.12.2022.

(SONIA GULATI)
SENIOR PERSONAL ASSISTANT
(*Revised for appearance)

(BEENA JOLLY)
COURT MASTER (NSH)

ITEM NO.10

COURT NO.13

SECTION II-B

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. 774/2023 in CrI.A. No. 463/2022

GAGAN BANGA

Petitioner(s)

VERSUS

SAMIT MANDAL & ANR.

Respondent(s)

Date : 27-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Gautam Awasthi, AOR

For Respondent(s)

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

It is contended that the present petition under Section 12 of the Contempt of Court Act, 1971 read with Article 129 has been filed against the respondent for an alleged willful disobedience and blatant violation of law laid down by this Court in the case of *Vijay Kumar Ghai & Anr. Vs. State of West Bengal & Ors.*²

Learned counsel for the petitioner submits that the action of registering an F.I.R. in the State of West Bengal (Kolkata), where no cause of action arose and in respect of a civil dispute by giving it a criminal colour, when the matter is pending in a civil suit is in direct contravention and disobedience of the dictum of

this Court in the case of *Vijay Kumar Ghai & Ors. (Supra)*.

To support the contention that deliberate and mala fide conduct of not following the law laid down by this Court, tantamounts to contempt, reliance is placed on the judgment of this Court rendered in the case of "*Shri Baradakanta Mishra, Ex Commissioner of Endowments Vs. Shri Bhimsen Dixit*" (1973) 1 SCC 446.

Prima facie the matter requires consideration.

Issue notice returnable within four weeks.

Dasti service, in addition, is permitted.

Personal appearance of the alleged contemnor(s) is dispensed with for the time being.

Considering the facts and circumstances, by way of an ad interim order, there shall be stay of proceedings arising out of FIR No.646 of 2022 dated 26.10.2022 registered at police station Titagarh, Barrackpur Police Commissionerate, North 24, Parganas, West Bengal including the effect of orders/letters dated 01.12.2022 & 06.12.2022.

(SONIA GULATI)
SENIOR PERSONAL ASSISTANT

(BEENA JOLLY)
COURT MASTER (NSH)