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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 545/2024

SANJEEV KUMAR

..... Petitioner

Through: Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Ms.Meenakshi Dahiya, APP for the
State along with SI Salman, PS;
Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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15.05.2024

CRL.M.A.14339/2024, CRL.M.A.14944/2024

1. Considering the fact that comments placed by the petitioner in the Chat Box during the course of proceedings through Video Conferencing on 06.05.2024 are patently contemptuous and interfere with due course of judicial proceedings to scandalize the Court and undermine authority of the Court, petitioner was directed to show-cause vide order dated 09.05.2024 as to why notice for contempt be not issued and contempt proceedings initiated against him and referred to concerned Roster Bench/Division Bench for consideration in accordance with law.

2. At this stage, it is pertinent to recapitulate that petitioner had preferred an application under Section 156(3) Cr.P.C. before the learned MM for registration of FIR in respect of rape committed upon his wife by her cousin when she was 16 years of age. Shri Rishabh Tanwar,



learned MM declined to exercise the powers under Section 156(3) Cr.P.C. for ordering investigation and registration of FIR but granted an opportunity to the petitioner/complainant to examine himself under Section 200 Cr.P.C. Aggrieved against the said order, a Revision Petition was preferred by the petitioner before Shri Lokesh Kumar Sharma, learned ASJ which was dismissed vide order dated 10.10.2023. Thereafter, petitioner approached this Court by preferring CRL.M.C.545/2024 for setting aside orders passed by the learned MM as well as learned ASJ, which was dismissed by this Court vide order dated 23.01.2024 with a cost of Rs.25,000/-.

3. It was observed by this Court that the petitioner, who is an Advocate intends to obliquely use the proceedings and gain some advantage in the pending matrimonial proceedings against his wife, since the wife of the petitioner is under no handicap and did not come forward with any complaint/allegation of commission of offence, as alleged. It was further held that wheels of criminal justice system cannot be permitted to be clogged by frivolous complaints wherein the victim herself does not have a grievance but the same is maliciously filed on her behalf and this may be an agonizing way of harassment not only to the spouse but a person who may be innocently framed and prosecuted.

4. A Review Petition has thereafter been preferred on behalf of the petitioner which is pending consideration, as already noticed in order dated 09.05.2024 passed by this Court. However, during pendency of the same, while the case was not listed on 06.05.2024, comments which are not relevant to the proceedings were made by the petitioner in the



Chat Box as noticed in order dated 09.05.2024.

5. An opportunity was granted to the petitioner to respond to the comments placed in the Chat Box on 06.05.2024.

6. The reply filed on behalf of the petitioner is again grossly contemptuous in nature with hardly any relevant explanation for placing the aforesaid comments in the Chat Box on 06.05.2024. The gross misconduct of the petitioner can be noticed with reference paragraphs 42 to 44 & 69 placed on record, which conspicuously reflects that petitioner is habitual of making complaints and defaming the Judges of the District Courts, who have dealt with and passed any adverse order, in any proceedings preferred by the petitioner. Paragraphs 42 to 44 & 69 may be quoted for reference, though the entire reply uses intemperate and contemptuous language:

“42. That the Rishabh Tanwar, Metropolitan Magistrate has dismissed the application under section 156(3) CRPC on 24.07.2023 of CC 1248/2023 without single comment on evidences. Then the petitioner has filed a complaint under section 156(3) CRPC and CT Case no.1572/2023, titled as Sanjeev Kumar vs Rishabh Tanwar before the Hon'ble Chief Metropolitan Magistrate, South District, Saket Court against the Rishabh Tanwar under section 156(3) CPRC for misconducting in his duty and favour to the accused persons under criminal conspiracy. Thereafter, Rishabh Tanwar has transfer immediately his job to south district for evading the arrest.

43. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and ignore the submission of the petitioner that ASJ has failed to apply his judicial mind to consider the fact that the petition filed by the petitioner against the state, accused 2, accused 3 and accused no.4 i.e. SHO/IO. But District & Session Judge did not issued notice to SHO/IO. Then the petitioner has filed a complaint under section 156(3) CRPC and CT Case no. 1730/2023, titled as Sanjeev Kumar vs Madhu Jain before the Chief Metropolitan Magistrate, South District, Saket Court against Madhu Jain under section 156(3) CPRC for misconducting in her duty and favour to



the accused persons. Thereafter, Madhu Jain has transfer immediately her posting to south district for evading the arrest.

44. That after petition of the petitioner has been transfer to LKS Additional Session Judge, South East, Saket Court for adjudicate the case. But LKS has came in the court after threatened to the petitioner that **“you no knowledge of law, Sanskrit bhasha me likha hai, rape tumari wife ka hua hai tum kon ho khamahkha”**. LKS ask to VS kya kama hai while VS was not party of opposite side. How LKS allow to VS, President of Saket Bar Association. Thereafter LKS has dismissed the revision petition no 507/2023 on order dated 10.10.2023 without single comment on evidences under the guidance of VS. Thereafter the petitioner has email all the courts email ids that if **“agar koi LKS ki wife ka rape kar de toh LKS chup chap baith sakta hai aur aap kha ma kha mat banana” “aaram se roti kha kar so jana”** In this regard, a complaint is pending before BCD without locus standi. It is pertinent to mention here that petitioner is free to file case against LKS for misconducting in his duty and Pressuring to a petitioner for settlement.

In the last para of the order LD ASJ stated that “However, keeping in view that petitioner is a member of BAR claiming himself to be a practicing advocate at Saket District Court, no costs are imposed upon him.”

Because the subject matter of the instant application pertains to the protection of the fundamental rights guaranteed under Part III of the Constitution of India and is therefore, within the jurisdiction of this Hon'ble Court under the Constitution of India. All Citizen of India are equal but Id. ASJ Mr.LKS records in his order inequalities, against the equalities provide by the Constitution of India.

It mean Mr. VS, President, Saket Bar Association had ordered to LD ASJ dismiss my petition without going on facts of the case. Why VS had argued in my case while he was not a counsel for accused side and his vakalatnama was not filed. What is this? He is a Bar President or he is a mediator. It is my humble request to this Hon'ble Court pleased to be passed a direction to all High Courts and all District Courts that no member of any bar will be allow without their locus standi in a case otherwise it will injustice to opposite party. OR victim belong to Schedule Caste Community so that LD ASJ did not want to give justice.



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69. That the victim, Viri Singh, Amar Kaur, Shyam Yadav, Sunil Yadav, Satish Lohia, Archana, Preeti, Rishabh Tanwar, Madhu Jain, Vrinda Kumari, Vijayashree Rathore, Narottam Kaushal, Anirij, Lokesh Kumar Sharma, Kiran Pal and other persons has made fool to entire Judicial System along with Hon'ble Chief Justice of Delhi High Court and Hon'ble Supreme Court of India, all are liable to be punished for criminal contempt of court.”

7. This Court is of the considered opinion that reckless allegations made against several Judicial Officers of the District Courts as well as the comments placed by the petitioner in the public domain in the Chat Box have grave implications and potentiality of mischief, if the same are not curbed with a firm hand. The allegations imputing motives and intemperate language have been intentionally used to scandalize the proceedings undertaken by the District Courts and this Court. The same tends to bring the authority and administration of justice into disrespect, and tantamounts to contempt. Petitioner appears to have taken a wrong end of law, aggrieved against adverse orders passed by the Judicial Officers of the District Courts as well as this Court and cannot be permitted to cross the red line, thereby making personal attack on the Judges which undermines the integrity of the Institution.

8. In the facts and circumstances, Registrar General is directed to place the records of the judicial proceedings before Hon'ble the Acting Chief Justice for referring the matter to the concerned Hon'ble Division Bench handling 'criminal contempt'. Petitioner is also directed to appear before the concerned Hon'ble Roster Division Bench on 17.05.2024. Registry is accordingly directed to register the present case as ***“Court on***



its own Motion v. Sanjeev Kumar”.

9. Further, proceedings relating to REVIEW PET.120/2024 in CRL.M.C.545/2024 may be placed before another Bench, subject to orders of Hon’ble the Acting Chief Justice on 17.05.2024.

10. Entire proceedings be accordingly placed before the Registrar General for further necessary action.

ANOOP KUMAR MENDIRATTA, J.

MAY 15, 2024/sd