

CRWP-9472-2023

RAJINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

Present: None for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. R.G. Chandiwala, Advocate
for respondents No.5, 6, 7, 9 and 10.

1. Reply dated 14.05.2024 filed by way of an affidavit of Ms. Saumya Mishra, IPS, Senior Superintendent of Police, Ferozepur is taken on record.
2. There is no representation on behalf of counsel for the petitioner.
3. As per the last order dated 26.04.2024 passed by this Court, Senior Superintendent of Police, Ferozepur was to remain present in Court but only the status report has been filed on her behalf.
4. However, learned State counsel has informed that an incident of sacrilege took place on 04.05.2024 wherein, one person died in the violence. The bhog ceremony of the said accused is scheduled for today and there is serious apprehension, according to inputs of intelligence that trouble may shoot out at that place.
5. In order to ensure maintenance of law and order, Senior Superintendent of Police, Ferozepur thought it proper to stay at her station and deputed Mr. Randhir Kumar, Superintendent of Police (Investigation), Ferozepur, to attend the Court on her behalf.

6. The explanation put forth by Mr. Guru, AAG, Punjab showing helplessness of Ms. Saumya Mishra, IPS, Senior Superintendent of Police, Ferozepur to appear before this Court, by no means, is plausible. Since, there is another officer of the rank of Superintendent of Police in Ferozepur, who has been deputed by Ms. Mishra in her place to attend the Court proceedings, who otherwise might have been assigned the duty at the spot where apprehension of law and order disturbance was anticipated. In any case otherwise also Ms. Mishra ought to have made an application for seeking exemption before this Court but instead of doing so, the officer has deliberately shown disrespect to the directions passed by this Court. It cannot be expected from an IPS Officer of the rank of Senior Superintendent of Police in not taking this Court's direction seriously, particularly, in the light of the issue involved in the instant petition wherein a minor girl is untraced in FIR No. 201, dated 17.08.2022, under Sections 363 and 366-A IPC, registered at Police Station Guruharsahai, Ferozepur and the seriousness of the Investigating Officer was under cloud.

7. This Court, *prima facie*, is satisfied beyond reasonable doubt that Ms. Saumya Mishra, IPS, SSP, Ferozepur has willfully, deliberately and intentionally violated the court's order by choosing not to appear before this Court on a totally whimsical ground. Non-compliance with court orders or undertakings, where the higher echelon of Police Administration knowingly and voluntarily fails or refuses to comply with the same, pose a risk to the administration of justice by bringing the court into disrespect and that such non-compliance undermines the essence of a court's authority and threatens the rule of law.

8. The conduct of Ms. Mishra, *prima-facie* makes out a case to initiate criminal contempt proceedings in terms of Section 2(c) of the Contempt of Courts

Act, 1971, against her for showing disrespect to the directions issued by this Court vide order dated 26.04.2024.

9. In view of the circumstances discussed hereinabove, Ms. Saumya Mishra, IPS, Senior Superintendent of Police, Ferozepur is called upon to explain as to why the proceedings under The Contempt of Courts Act, 1971 be not initiated against her.

10. Adjourned to 29.05.2024.

11. Registry is directed to send a copy of this order to Director General of Police, Punjab as well as to the Home Secretary, Punjab for information and necessary action.

14.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE