

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Con.Case(C).No. 1202 of 2015 (S)

AGAINST THE JUDGMENT IN WP(C).NO. 9517/2015 DATED 21-05-2015

PETITIONER :

**MEERANKUTTY
S/O.THARAKAN RAVUTHAR, AGED 68 YEARS
MEERA VILLA, NARANGANAM VILLAGE
KOZHENCHERY TALUK.**

BY ADV. SRI.A.K.ALEX

RESPONDENT :

**T. NARAYANAN,
DISTRICT POLICE CHIEF
PATHANAMTHITTA - 684 645.**

BY GOVT. PLEADER SRI. P.V. ELIAS

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

Con.Case(C).No. 1202 of 2015 (S)

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF THE JUDGMENT DATED 21.5.2015 IN WP(C)
NO. 9517/2015 OF THIS HONOURABLE COURT.**

**ANNEXURE II COPY OF THE REPRESENTATION DATED 10-6-2015 SENT BY
PETITIONER TO RESPONDENT.
SENT BY CBSE TO THE 1ST PETITIONER.**

RESPONDENT'S ANNEXURES :

**ANNEXURE R1(a) : COPY OF THE NOTICE ISSUED TO THE PETITIONER DATED
16.9.2015.**

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Contempt Case (C) No.1202 of 2015

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Dated this the 28th day of September, 2015

JUDGMENT

The complaint projected in this Contempt of Court Case (Civil) is in the matter of the alleged non compliance of the directions in Annexure-I judgment of this Court dated 21/05/2015 rendered in W.P.(C) No.9517/2015.

2. Paragraphs 2 and 3 of the said judgment read as follows:

“2. As directed by this Court, the 2nd respondent the Sub Inspector of Police Aranmula has filed a statement dated 31/03/2015 in this matter and paragraphs 1 to 4 thereof reads as follows:

1. It is submitted that a petition has been received on 19.02.2015 from Mr.Meerankutty, age 68, Meera Villa, Naranganam stating that somebody has stolen his Bank documents, ATM cards, 5 gold coins weighing 8 grams each from his house at Naranganam, and his wife was not informed him about the matter. A true copy of complaint dated 19.02.15 received from petitioner is produced herewith and marked as Annexure R2(a).
2. On enquiry it is revealed the petitioner and his wife were living at the above said address. There were no sound relation between them, and they were living in separate room in the same building. Meanwhile the petitioner left home for treatment without informing his wife Ishabeevi. When the petitioner left home he locked his rooms and he kept all documents there.
3. In the absence of the petitioner, his wife opened the room by breaking the door lock only for getting the ration card for the renewal purpose of the same. In

this regard I made an enquiry and summoned both parties to the Police Station. On enquiry it is revealed that the allegations of the complainant is false and he raised such an allegation only because of the rivalry with his wife. In this regard no cases were registered in Aranmula Police Station, as it is strictly a family matter.

4. So it is humbly submitted that earnest enquiries were made in this regard. Any directions of the Hon'ble Court in this regard would be strictly followed in its true letter and spirit."

3. Heard, Sri.A.K.Alex learned counsel for the petitioner and learned public prosecutor appearing for the respondents. It is pointed out by the petitioner that Ext.P2 dated 03/03/2015 has been received in the office of the 1st respondent as evidenced from Ext.P3 receipt dated 03/03/2015. On a consideration of the totality of the facts and circumstances of the case and the aforementioned statement dated 31/03/2015 filed by the 2nd respondent Sub Inspector of Police, it is ordered that if Ext.P2 complaint said to have been filed on 03/03/2015 has already been received by the 1st respondent and is pending consideration, then the 1st respondent will look into the grievance of the petitioner as contained in Ext.P2 and take appropriate decision thereon in accordance with law. It is made clear that the petitioner will have the liberty to submit any further representation in the matter to the 1st respondent which shall also be taken into account. Such decision will be taken by the 1st respondent without any further delay preferably within one month from the date of production of a certified copy of this judgment."

The directions issued in the aforestated Annexure-I judgment is the subject matter of this Contempt of Court Case.

3. As directed by this Court, the respondent District Police Chief, Pathanamthitta has filed a statement dated 22/09/2015 in this case. Paragraphs 7 to 12 on pages 3 to 6 thereof reads as follows:

"7. It is further respectfully submitted that in compliance with the directions of this Hon'ble Court, I forwarded the said representation dated 11.06.2015 to the Inspector of Police,

Kozhencherry as No.1026/Camp/DPC/PTA/15 and Inspector of Police registered this as 73/IP/15/KYC and forwarded the same to Station House Officer, Aranmula Police Station for further enquiry on 11.06.2015.

8. It is submitted that in the above representation, the Station House Officer, Aranmula again made an enquiry. On enquiry, it is revealed that the petitioner and his wife are living at the above said address. There is no sound relation between them, and they are living in separate room in the same building. Often the petitioner left home without informing his wife and came back after two or three days. On 08.12.2014, the petitioner left home for treatment without informing his wife, Ishabeevi. When the petitioner left home he had locked his rooms and kept all the documents there. The Station House Officer, Aranmula recorded the statement of Ishabeevi, wife of petitioner, the Blacksmith Mr. Moni @ Ramachandran, who unlocked the door of that room, and Mani, W/o. Sathyan who is a neighbor of the petitioner, who was there at the time of unlocking the door. From these Station House Officer, Aranmula came into conclusion that Ishabeevi unlocked the door with the help of Moni, and searched the ration card which was kept locked in the Niskara room. She searched the ration card for getting the application for the renewal purpose of the same and while searching the ration card, the things in his room were disordered and she couldn't find the ration card, but collected the land document (deed) from the room, and kept it in her safe custody. She gave the documents, when the petitioner returned back to the home. While recording the statement of Ishabeevi, she told that they are not leading a good married life and they are not in good harmony for the past two years and the petitioner raised such an allegation of theft against her for his rivalry and he also about immoral relation of his wife with others for rivalry.

9. It is humbly submitted that in his first petition, the petitioner given directly in Aranmula Police Station, he stated that somebody has stolen his bank documents, ATM cards, 5 gold coins weighing 8 grams each and on the second representation, he submitted before the District Police Chief, Pathanamthitta he prayed for recovering bank documents, land documents and Rs.82,000/-.

10. It is submitted that on enquiry, it is revealed that the allegations of the petitioner is false and he raised such allegation only because of the rivalry with his wife and he also alleged that this wife has an illegal relation with his elder daughter in law's father, that he is deliberately alleging against the relatives.

11. It is submitted that the petitioner has no consistent statement regarding loss of the articles. He failed to furnish the

description of the articles allegedly lost. The source for Rs.82,000/- mentioned in the complaint was also not properly explained. Considering the entire allegations, statements and the behavior of the petitioner, the Police came to the conclusion that the allegations were levelled without any basis and no offence as alleged by the petitioner has been committed. Hence, no case has been registered in view of the compliant/representation made by the petitioner. A notice dated 16.09.2015 in this regard has been issued to the petitioner by the Sub Inspector of Police, Aranmula Police Station on 16.09.2015 itself. True copy of the notice issued to the petitioner dated 16.09.2015 is produced herewith and marked as Annexure R1 (a).

12. It is respectfully submitted that the directions in the judgment have been complied with and there has been absolutely no disrespect or disregard to the orders of this Hon'ble Court and that not an iota of laxity or negligence has been showed in the implementation of the directions of this Hon'ble Court. The delay caused in complying with the directions is not due to any wilful laches or negligence from my part. The delay was only caused due to the administrative exigencies mentioned above. This respondent is tendering an unconditional apology for the inconvenience caused to this Hon'ble Court.

In the said circumstances, it is humbly prayed that this Honourable Court may be pleased to close the above Contempt Case and may drop the contempt proceedings initiated against this respondent."

4. Heard Sri.A.K.Alex, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

5. On a perusal of Annexure-I judgment as well as the affidavit dated 22/09/2015 filed by the respondent officer and Annexure-R1(a) attached to the said affidavit, this Court is of the considered opinion that it cannot be said that there has been any wilful or deliberate disobedience of the directions issued by this Court in Annexure-I judgment on the part of the respondent

herein. On the other hand the various steps that have been taken by the respondent in compliance with the directions issued by this Court, have been stated in the said affidavit and the facts and circumstances which have been ascertained by him to enable him to take a decision in the matter as directed by this Court, are also evident from a reading of the said affidavit.

6. The main contention raised by the learned counsel for the petitioner is that the respondent was legally obliged to register a crime in this case and that his failure to register a crime would amount to deliberate disobedience of the directions issued by this Court in Annexure-I judgment which discloses a case of Contempt of Court Case on his part etc.

7. On a reading of Annexure-I judgment it cannot be said that this Court has positively issued a final direction to the respondent herein to register a crime etc. If the petitioner feels that the action taken by the respondent in compliance with Annexure-I judgment, is not legal and proper, it is for him to work out his remedies in accordance with law. Therefore no further action under the Contempt of Court Act and Rules is warranted under the facts and circumstances of this case.

Accordingly, with these observations this petition stands closed.

Sd/- ALEXANDER THOMAS, JUDGE

MJL