

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CONTEMPT PETITION No.142 of 2015

N.D.Rukmani
W/o.Duraisamy Petitioner

vs.

Bhama,
The Inspector of Police,
C.B.C.I.D., Coimbatore. ... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent herein for committing Contempt of Court by willfully and wantonly disobeying the order passed by this Court dated 07.04.2014 made in Crl.O.P.No.5518 of 2014 in letter and spirit.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.M.F.Shabhana
Government Advocate (Crl.side)

ORDER

This petition is filed informing non-compliance of the order of this Court in Crl.O.P.No.5518 of 2014 on 07.04.2014.

2. Heard learned counsel for petitioner and learned Government Advocate (Crl.side).

3. Learned counsel for petitioner submits that despite

this Court's observation regards the First Information Report in the case having been registered after much delay and much reluctance on the part of the respondent and not in keeping with section 156(3) Cr.P.C. and in doing so as against accusation against 26 persons, the First Information Report was registered against only three persons and on such consideration this Court was pleased to transfer the investigation to CBCID, Coimbatore, the case was transferred to CBCID, Tiruppur, as per the direction of Additional Director General of Police, CBCID, Chennai. Only upon the petitioner issuing a notice dated 30.08.2014 to the Director General of Police, Chennai and the Additional Director General of Police, CBCID, Chennai, informing them that they were in contempt of Court, the case was transferred to CBCID, Coimbatore. Presently, ignoring the accusation against 26 persons, the investigation in the case stands closed as 'mistake of fact'.

4. Learned counsel for petitioner informs that petitioner is moving a protest petition. However, learned counsel submits that time and time again, petitioner, a lady, is being put to great inconveniences and suffering grave injustice owing to the wrongful acts of the respondent police.

5. Even if this Court is to agree with learned counsel on his submissions, such would not be reason enough to move in contempt, unless this Court finds deliberate disobedience of its order. Though this Court earlier had considered it necessary to effect transfer of investigation towards ensuring fairness therein, this Court now would have to require the petitioner to work out her remedies in accordance with law by moving the appropriate Court/Courts. Petitioner has first preferred a complaint in the year 2009

and she is still left informing of wrongful actions, not only on the part of the accused persons but also on the part of the respondent police. This Court would expect any Court, dealing with a protest petition moved by petitioner or attendant proceedings, to act promptly.

This Contempt Petition is closed.

Gm

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/07/10/2015

One CC to Mr.P.M.Duraiswamy, Advocate, Sr.No.9248.

To

1. Bhama,
The Inspector of Police,
C.B.C.I.D., Coimbatore.
2. The Public Prosecutor,
High Court, Madras.