

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HON'BLE Ms.JUSTICE K.B.K.VASUKI

Contempt Petition No. 1807 of 2015

1. Jai Sridhar @ Jaishankar
2. Malleswaran
3. Vanaja @ Raniammal
4. Megala .. Petitioners

Vs.

Mrs.Rani
Inspector of Police
All Women Police Station,
Mannargudi, Thiruvarur District ..Respondent

Prayer :

Petition filed under Section 11 of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) praying to initiate Contempt Proceedings against the respondent and punish her for violating the interim stay order dated 08.09.2014 passed in CrI.M.P.No.1 of 2014 in CrI.O.P.No.24374 of 2014.

For Petitioners : Mr.M.Imthias

For Respondent : Mr.S.Mohammed Riyaz
Government Advocate (CrI.Side)

O R D E R

The Contempt petition is filed by the petitioners in Criminal Original Petition, who are arrayed as accused in Crime No.8 of 2014 registered for the offence under Section 498(A) of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act on the basis of the complaint given by one Saranya.

2. The petitioners-accused have come forward with Criminal Original Petition No.24374 of 2014 for quashing the proceedings on various grounds raised in the petition. The said Criminal Original petition is filed along with Miscellaneous Petition No.1 of 2014 to Stay further proceedings and also investigation against the petitioners in Crime No.8 of 2014 on the file of Inspector of Police, All Women Police Station, Mannargudi. Pending disposal of the quash petition, this Court being satisfied that *prima facie* case made out by the petitioners in Criminal Original Petition was pleased to grant Interim Stay, as sought for, until further orders.

3. While issuing notice to the respondent the Interim Order along with covering letter of the learned Government Advocate (Crl.Side) was also duly communicated to the Respondent/Inspector of Police on 11.09.2014. In spite of the same, the respondent, Inspector of Police has chosen to file the final report before the concerned Judicial Magistrate Court on 24.02.2015 and the same compelled the petitioners to come forward with the Contempt Petition contending that the filing of the final report before the court concerned on 24.02.2015 in violation of the Interim Stay order amounts to contempt of Court order.

4. The respondent in her counter filed herein has stated that the final report was after completion of the investigation prepared on 28.08.2014 much before the interim order and the same was approved by the learned Additional Public Prosecutor Grade II on the same day and was submitted before the court concerned on 24.02.2015 and the same was returned for certain defects and was again represented on 16.04.2015 and is taken cognizance as C.C.No.53 of 2015 on the file of the learned Judicial

Magistrate No.II, Mannargudi and summons was issued to the accused for hearing.

5. The learned Government Advocate (Crl.Side) has also produced a copy of the final report in support of their contention that everything was made ready before the Order of Interim stay as such provisions of Contempt Act is not attracted.

6. Heard the rival submissions on either side and perused the materials available on record.

7. This Court is not inclined to accept the explanation submitted by the Respondent-Inspector of Police. The very fact that the court seal and signature of the concerned Judicial magistrate subscribed on 22.04.2015 would show that the same is filed into the concerned Judicial magistrate Court only on 24.02.2015. The fact that the same was made ready on 28.08.2014 and approved by the Additional Public Prosecutor Grade II on the same day would not absolve the respondent/Inspector of Police from the liability arising out of the act of filing it into court when the Stay order was in force. However, considering the explanation and unconditional apology submitted by her in the counter filed herein, this Court is inclined to condone such act on the part of the respondent police in filing the final report while the Stay order was in force.

8. However, the learned counsel for the petitioners would at this juncture bring it to the notice of this Court that summons and NBW are issued against the petitioners for their appearance in C.C.No.153 of 2015 before the concerned Judicial Magistrate Court. That being the factual position, this Court is of the considered view that as the final report is filed before the court concerned in violation of the Stay order passed by this Court the same

rendered the entire proceedings null and void and without jurisdiction, as such the entire proceedings is liable to be quashed with liberty to the respondent police to file appropriate fresh final report subject to the out come of this Criminal Original Petition No.24374 of 2014.

9.In the result, the entire proceedings taken cognizance in C.C.No.53 of 2015 on the basis of the final report dated 24.02.2015 on the file of learned concerned Judicial Magistrate court along with summons ordered and NBW issued in the proceedings stands quashed with liberty given to the respondent to file appropriate fresh final report subject to the out come of the Criminal Original Petition No.24374 of 2014.

With the above observation, this Contempt Petition is closed. No costs.

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/12/10/2015

One CC to Mr.S.Imthias, Advocate Sr.No.12120.

To

1. Inspector of Police
All Women Police Station,
Mannargudi, Thiruvarur District
2. The Public Prosecutor
High Court, Madras.