

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 02.09.2015

DATE OF DECISION: 08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Contempt Petition No.426 of 2015

A.Kumaran

Petitioner

vs.

1 Mr. Paul Sudher
Inspector of Police
Killiyanur Police Station
Vanur Taluk
Villupuram District

2 Mr. Kuppusamy
Deputy Superintendent of Police
Tindivanam
Villupuram District

3 Mr. Manoharan
Superintendent of Police
Villupuram District

Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for committing contempt of Court by flouting and disobeying the order of this Court dated 11.08.2011 passed in Contempt Petition No.27 of 2011.

For Petitioner : Mr. M. Arumugam
For Respondents : Mr.C.Emalias, A.P.P.

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O R D E R

This contempt petition is filed on the ground that the order dated 11.08.2011 passed by this Court in Contempt Petition No.27 of 2011 has not been complied with by the respondents.

2 It appears that the petitioner lodged a complaint dated 15.07.2011 and 08.08.2011 and since no action was taken on the said complaints, he filed CrI.O.P.No. 21825 of 2011 for a direction to the respondent police to register an FIR on his complaint. When the matter came up for hearing, it was represented by the learned Additional Public Prosecutor that, the respondent had registered a case in Cr.No.382 of 2010 for offences under Sections 420, 460 and 120-B, IPC. Recording the same, this Court dismissed CrI.O.P.No.21825 of 2011 on 17.07.2012 as follows:

"3. In view of the above, question of issuing any direction to register another case does not arise. Hence, the criminal original petition is dismissed."

3 Prior to that, this petitioner filed Contempt Petition No.27 of 2011 for alleged disobedience of the order dated 01.10.2010 in CrI.O.P.No.21564 of 2010 and that

was also closed by this Court on 11.08.2011 as follows:

"3. However, considering the fact that the orders has already been complied with, there is no merit in this application for contempt. Hence, this contempt petition is closed. However, the petitioner is at liberty to give representation to the respondent for any other relief which he is entitled."

4 According to the petitioner, though the respondent police have registered a case in Cr.No.382 of 2010, they are not taking any further action to prevent the encroachers, viz., A.Sekar and Subramaniam from aggression. Therefore, for the alleged failure of the police to prevent further aggression, this second contempt application has been filed.

5 It is to be noted that a person can be punished under the Contempt of Courts Act, 1971, only if there has been wilful disobedience of an order passed by this Court.

6 It is the petitioner's case that the alleged contemnor is disobeying and flouting the order dated 11.08.2011 passed by this Court in Cont.P.No.27 of 2011. This Court has extracted the operative portion of the order dated 11.08.2011 in Cont.P.No.27 of 2011, from which, it is clear that this Court has not issued any positive direction to the police to perform any act. Therefore, there is no question of the respondent police wilfully disobeying the order passed by this Court.

7. Under such circumstances, the petition is not maintainable and is accordingly dismissed.

Gms

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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KMV/CO/27/11/2015

One CC to Mr.M.Arumugam, Advocate in Sr.No.12440

One CC to Public Prosecutor, High Court, Chennai

To

- 1 The Inspector of Police
Killiyanur Police Station
Vanur Taluk
Villupuram District
- 2 The Deputy Superintendent of Police
Tindivanam
Villupuram District
- 3 The Superintendent of Police
Villupuram District