

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.723 of 2015

P.N.Sudevan Raghu ... Petitioner

vs.

S.Sivakumar
The Inspector of Polcie (L & O)
K-10, Koyembedu Police Station
Koyembedu
Chennai - 600 107 ... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent herein for willfully committed contempt by not obeying the order passed by this Court in CrI.O.P.No.15733 of 2014 in order dated 23.06.2014.

For Petitioner : Mr.K.B.Arul
For Respondent : Mr.M.F.Shabana
Government Advocate (CrI.side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side).

2. This contempt petition is filed alleging willful disobedience of the order and direction issued by this Court in CrI.O.P.No.15733 of 2014 dated 23.06.2014.

3. The petitioner was the complainant before the respondent police and he lodged a complaint on 25.05.2014.

Since the complaint was neither enquired into nor investigated, the petitioner approached this Court and filed the petition under Section 482 Cr.P.C for a direction to the respondent police to enquire into and investigate his complaint and file a final report.

4. This Court after hearing the learned counsel for the petitioner and the learned Additional Public Prosecutor disposed of the Criminal Original Petition on 23.06.2014 by directing the respondent police to conduct a petition enquiry on the complaint given by the petitioner and complete the same as expeditiously as possible and proceed further, if cognizable offences are made out. The petitioner/complainant sent a letter by Registered Post on 14.08.2014 to the respondent enclosing a copy of the order passed by this Court and a copy was also marked to the Commissioner of Police, Chennai - 7 requesting the authorities to conduct appropriate enquiry and take action as against the accused person. The postal acknowledgment card produced by the petitioner shows that the complaint sent by the petitioner has been received both by the respondent police as well as by the Commissioner of Police, Chennai. Stating that no enquiry was conducted and no case has been registered, the petitioner has come forward with this contempt petition.

5. On 10.04.2015, when the contempt petition came up for admission, Mrs.Shabana, the learned Government Advocate (Crl.side) accepted notice on behalf of the respondent and sought time to file counter affidavit. On the next date of hearing, counter affidavit was filed and at the request of the learned counsel for the respondent, the matter was adjourned. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.side) submitted that the complaint filed by the petitioner, which was registered as C.S.R.No.124 of 2014 dated 25.04.2014 was closed by the then Enquiry Officer Tr.Karthikeyan on 25.05.2014 on the ground that allegations in the complaint were false. It is stated in the counter affidavit sworn to by S.Sivakumar, the respondent herein that the closure of the complaint was informed to the petitioner/complaint on the same date. However, there is no record produced before this Court to show that the closure of the complaint was communicated to the petitioner/complainant. Therefore, the averment made by the respondent in the counter affidavit to that extent to be rejected. In paragraph 7 of the counter affidavit, the respondent stated that after the direction was issued by this Court on 23.06.2014 he called upon the petitioner as well as the counter petitioner for further enquiry and the counter petitioner's son Saravanan appeared for enquiry, but the petitioner did not appear or cooperate with the enquiry apart from stating that respondent

Inspector of Police has tendered unconditional apology before this Court.

6. A perusal of the averment contained in paragraph 7 of the counter affidavit shows that averments are vague and there is no evidence to substantiate that the petitioner / complainant was put on notice by the respondent after direction was issued by this Court in Crl.O.P.No.15733 of 2014 and therefore, the averments in paragraph 7 of the counter affidavit does not merit acceptance.

7. In the light of the above, the stand taken by the respondent police is not accepted by this Court. However, this Court is not inclined to punish the respondent for the same and the endeavour is to ensure that the criminals are brought to book. When a question was posed to the learned counsel for the petitioner whether the petitioner is willing to appear before the respondent, the learned counsel for the petitioner readily agreed, provided that the matter is enquired into by a different Inspector of Police other than the person who sworn the counter affidavit or Thiru Karthikeyan, who is said to have enquired into the complaint and closed the same.

8. The learned Government Advocate (Criminal Side)

<https://hcservices.ecourts.gov.in/hcservices/>

submits that the matter may be assigned to another

Inspector of Police and they will conduct proper enquiry in accordance with law.

9. Accordingly, the contempt petition is disposed of by directing the petitioner to appear before the Inspector of Police (Crimes), K-10, Koyembedu Police Station, Koyembedu on 10.07.2015 at 10.30 am and the said Inspector of Police shall enquire into the complaint and after recording the statement of the petitioner as well as the person against whom the complaint is lodged, make a thorough enquiry of the matter and if cognizable offences are made out, a case shall be registered forthwith.

Gpa

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/07/07/2015

To

1. The Inspector of Police (Crimes)
K-10, Koyembedu Police Station
Koyembedu
Chennai - 600 107

2. Mr. S. Sivakumar
The Inspector of Police (L & O)
K-10, Koyembedu Police Station
Koyembedu
Chennai - 600 107