

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**

CONTEMPT PETITION No.900 of 2015

G.Latha .. Petitioner

Vs.

Raja Shekar
The Inspector of Police
Thiruppur North Police Station
Thiruppur. .. Respondent

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent of his wilful, intentional and flagrant violation of the order passed by this Court dated 12.02.2015 made in Crl.O.P.No.1035 of 2015.

For Petitioner : Mr.C.Prabakaran
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

Heard Mr.Prabakaran, learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondent.

2. This Contempt Petition has been filed for alleged violation of the order dated 12.02.2015 passed by this Court on 12.02.2015 in Crl.O.P.No.1035 of 2015, which reads as under:

"2. It is submitted by the learned Additional Public Prosecutor that the petitioner may be directed to produce proof to the effect that injunction order is in force and also give a fresh

complaint regarding threat given by the other side. On being satisfied with the same, necessary protection will be given. Recording the same, the petition is closed."

3. Learned counsel for the petitioner contended that pursuant to the aforesaid order, the petitioner submitted a complaint and also the copy of the injunction order, despite which the police have not given police protection. On a perusal of the injunction order, it is seen that, the petitioner had filed a suit in O.S.No.373 of 2014 and in I.A.No.1076 of 2014, the Sub Court, Tiruppur has granted ad interim injunction under Order 39 Rule 1 and 2 CPC injuncting S.Sukumar [defendant therein] from in any way interfering with the peaceful possession and enjoyment of the property in question.

4. Mr.Prabakaran, learned counsel for the petitioner submitted that despite the injunction order, the said S.Sukumar is disturbing the peaceful possession of the petitioner. If that is so, the remedy is open to the petitioner to move the civil Court under Order 39 Rule 2(a) CPC and not to approach this Court. It is represented by the learned Additional Public Prosecutor that, the respondent police have initiated proceedings under Section 145 Cr.P.C. by submitting a report to the Revenue Divisional Officer, since they apprehend breach of peace. It is further represented that, the respondent police have registered a case in Cr.No.321 of 2015 for breach of peace and have submitted a report to the Revenue Divisional officer, Tiruppur for taking proceedings under Section 145

5. Under such circumstances, it is imperative for the police to wait for the outcome of the proceedings either of the Executive Magistrate or of the civil Court, as the case may be. Hence, this Court does not find any cause for issuing statutory notice under the Contempt of Courts Act to the alleged contemnors herein. In the result, this petition is closed.

gms

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/08/10/2015

One Cc to Mr.C.Prabakaran, Advocate, Sr.No.10836

To

1.The Inspector of Police
Thiruppur North Police Station
Thiruppur.

2.The Public Prosecutor,
High Court, Madras - 104.