

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.3.2015

CORAM:

THE HON'BLE MR.JUSTICE P.DEVADASS

Contempt Petition No.2904 of 2014

Mr. S. Ramesh

.. Petitioner

Vs.

Mr. Dinakaran
The Inspector of Police,
J-3 Police Station,
Kilpauk,
Chennai 600 010

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 r/w.Rule 4 of the Contempt of Court Rules, High Court of Madras, 1975 to punish the respondent for the wilful and deliberate disobedience of the order dated 11.09.2013 in Crl.O.P.23052/2013.

For Petitioner: M/s.Nithyaesh and Vaibhav

For Respondent: Mr.M.Mohamed Riyaz
Govt. Advocate (crl.side)

O R D E R

This contempt petition has been initiated by Ramesh, who is petitioner in Crl.O.P.No.23052 of 2013. On 11.9.2013, in the said Crl.O.P., this Court directed the 1st respondent police namely Inspector of Police, J3 Police Station, Kilpauk Chennai to complete the investigation in Crime No.421 of

2013. The respondent is directed to complete the investigation within two months and file a final report before the

concerned Court in accordance with law.

2. Now the grievance of the petitioner who is the defacto complainant is that the 1st respondent has not done the work.

3. Learned Government Advocate (crl.side) submitted that in this case, investigation has been conducted and ultimately it was referred as 'mistake of fact' and a report was submitted to the concerned Court.

4. Learned counsel for the petitioner submitted that he is quite unaware of this development in this case.

5. In the circumstances, a copy of the said report has been furnished to the learned counsel for the petitioner.

6. The beginning of the criminal case in Cr.No.421 of 2013 under Section 154 of Cr.P.C., marked its end under Section 173 of Cr.P.C., by filing a final report. Final report does not mean always positive. A negative, referred charge sheet is also a final report.

7. The said report of Investigation Officer is not a biblical verse, nor it is equivalent to judgment of a criminal court. It is a report of an Investigation Officer under Section 173 of Cr.P.C. Such filing of final report is not the end of a criminal case. Still the ball is in the Court of the learned Magistrate. The Magistrate has to take further action under Section 190 of Cr.P.C. Either the learned Magistrate can accept the report as it is, or

return it for seeking clarification or if the learned Magistrate come forward to take a decision to accept the final report, he must issue a notice to the defacto complainant enabling him to file a petition giving his objections, if any, also known as 'protest petition' . If such protest petition is filed, then it should be proceeded as a private complaint following the procedure prescribed under Section 200 and 202 of Cr.P.C.

8. With the above observations, this contempt petition is closed.

Msr

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/C/06/05/2015

To

1.The Inspector of Police,
J-3 Police Station,
Kilpauk,
Chennai 600 010

2.The Public Prosecutor,
High Court, Madras.