

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.07.2015

Delivered on : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Contempt Petition No.1073 of 2013

B.Balakrishnan .... Petitioner

Vs

1.Mr.Sampath,  
The Inspector of Police,  
P-6, Kodungaiyur Police Station,  
Chennai-118.

2.Mr.Karthikeyan,  
The Dy. Commissioner of Police,  
Pulianthope Police District,  
Chennai.

3.Mr.George, IPS,  
The Commissioner of Police,  
Egmore, Chennai.

.. Respondents

Contempt petition filed under Section 11 of the Contempt of Court Act, 1971 praying to punish the respondents for their willful disobedience of lawful order passed by this Hon'ble Court in Crl.MP.No.1 of 2013 in Crl.OP.No.25121 of 2012 dated 14.02.2013.

For Petitioner : Mr.T.Jaishankar

For Respondents : Mr.S.Shanmugavelayutham,  
PP [State]  
assisted by Mr.C.Emalias, APP

**O R D E R**

This contempt petition has been filed for alleged disobedience of the order dated 14.02.2013 passed by this Court in MP.No.1 of 2013 in CrI.OP.No.25121 of 2012.

2. The operative portion of the said order reads as under:

"8. Therefore, the investigating Agency is directed to investigate the matter and to file final report as expeditiously as possible before the Court concerned."

3. No statutory notice was issued to any of the respondents. Mrs.V.Revathi, Inspector of Police, Anti Land Grabbing Wing, Team XVI, CCB, Vepery has filed counter affidavit in this contempt petition.

4. It is seen that this petitioner lodged a complaint dated 03.03.2011 with the Inspector of Police, P-6, Kodungaiyur Police Station and on the directions of this Court in CrI.OP.No.9167 of 2011 dated 15.06.2011, the Sub Inspector of Police, P-6, Kodungaiyur Police Station registered a case in crime No.3312 of 2012 on 30.12.2012 under Section 448 IPC against some unknown persons and

investigation was taken up by the Inspector of Police who recorded the statements of some witnesses and altered the

Sections to 341, 448, 506[ii] IPC read with Sections 467, 468 and 471 IPC.

5. Subsequently, the case was transferred to Central Crime Branch [CCB] and investigation was pursued by Mr. John Arumairaj, Inspector of Police who re-registered the case as CCB crime No.230 of 2013 under Sections 341, 448, 506 [ii] IPC read with 467, 468 and 471 IPC against one John Palani, Samson Edward, Sandhiya and Vijayakumar. He also examined the Tahsildar, Sub Registrar and other witnesses. In paragraph No.8 of the counter affidavit filed by Ms.V.Revathi, it is stated as follows:

*"8. I submit that on 09.10.2014 I have taken charge of this case and investigated the same. After completion of the elaborate investigation and based on the documentary evidence, I have altered the section u/s 341, 448, 506[ii] IPC to r/w 467, 468 & 471 IPC" to u/s 120[b], 420, 423, 465, 468, 471, 341, 447 & 506[ii] IPC against the accused [A1 to A3] and prepared Final Report on 01.05.2015. On 10.06.2015, I have obtained approval in Final Report from the Assistant Public Prosecutor, Land Grabbing Court, Chennai, based on hte approval on 12.05.2015, I have submitted Final Report before the Land Grabbing Court No.I, Periamet, Chennai and the same is yet to be taken on file."*

6. From the above, it is clear that the police have completed the investigation and have filed Final Report, which is now pending on the file of the Land Grabbing Court, Chennai. In the order dated 14.02.2013, this Court had directed the Inspector of Police, P-6, Kodungaiyur Police Station to investigate the matter and file Final Report as expeditiously as possible before the court concerned. Since offences under Section 467, 468 and 471 IPC came to light during the investigation by the Inspector of Police, P-6, Kodungaiyur Police Station, the case was transferred to CCB, which is a special police force and that cannot be faulted. The Inspector of Police, CCB has now completed the investigation and has filed Final Report on account of which, nothing survives in this contempt petition and accordingly, this petition is dismissed.

Gya

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2014.

COURT OFFICER (O.S.)

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SS/CO/18/08/2015

One CC to P.P SR.10063/15

<https://hcservices.ecourt.gov.in/hcservices/> Mr.J.Jaisankar SR.10113/15

To

1.Mr.Sampath,  
The Inspector of Police,  
P-6, Kodungaiyur Police Station,  
Chennai-118.

2.Mr.Karthikeyan,  
The Dy. Commissioner of Police,  
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Chennai.

3.Mr.George, IPS,  
The Commissioner of Police,  
Egmore, Chennai.

4.The Public Prosecutor,  
High Court, Madras.



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