

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2015

Coram

The Honourable Mr. **Justice N.KIRUBAKARAN**

Contempt Petition No.2388 of 2013

K.Hameed

... Petitioner

Vs.

Kumar

... Respondent

Petition to punish the respondent for willful disobedience of the order of this Court dated 10.04.2013 passed in CrI.O.P.No.5504 of 2013.

For Petitioner : Mr.R.Sunilkumar

For Respondent : Mr.A.Shanmuga Velayutham
Public Prosecutor, Asst. by
Ms.Shapana, G.A.

ORDER

The Contempt petition has been filed for alleged violation of the order dated 10.04.2013 passed in CrI.O.P.No.5504 of 2013.

2. Heard, Mr.P.Sunilkumar, learned counsel appearing

for the petitioner and learned Public Prosecutor appearing for the respondent.

3. It is pointed out by the learned Public Prosecutor that two complaints were received by the police. One complaint was dated 07.02.2013 and the same was closed on 14.02.2013. Subsequently, the petitioner gave another complaint on 07.03.2013 and that was registered on the same day. In the meanwhile, the petitioner has come before this Court and moved the petition for registering the complaint.

4. When the matter came up before this Court on 10.04.2013, it was informed that FIR was registered under Section 294(b), 323, 379 and 506(i) IPC. According to the learned counsel appearing for the petitioner, the complaint was registered on 07.03.2013 and it was closed on 09.03.2013 and the respondent should have informed this Court when the matter was called on 10.04.2013 that the FIR was already closed.

5. No doubt, the non representation about the further closure on 09.03.2013 would amount to willful and deliberate suppression of a fact. However, taking into consideration the bonafide representation made by the learned Additional Public Prosecutor that the complaint was registered and the further closure on 09.03.2013 could not be properly informed by the respondent, the contempt petition is closed. However, it is made clear that in

future this kind of mistake shall not be repeated by the respondents.

rrg

SD/

DEPUTY REGISTRAR (CLAA)

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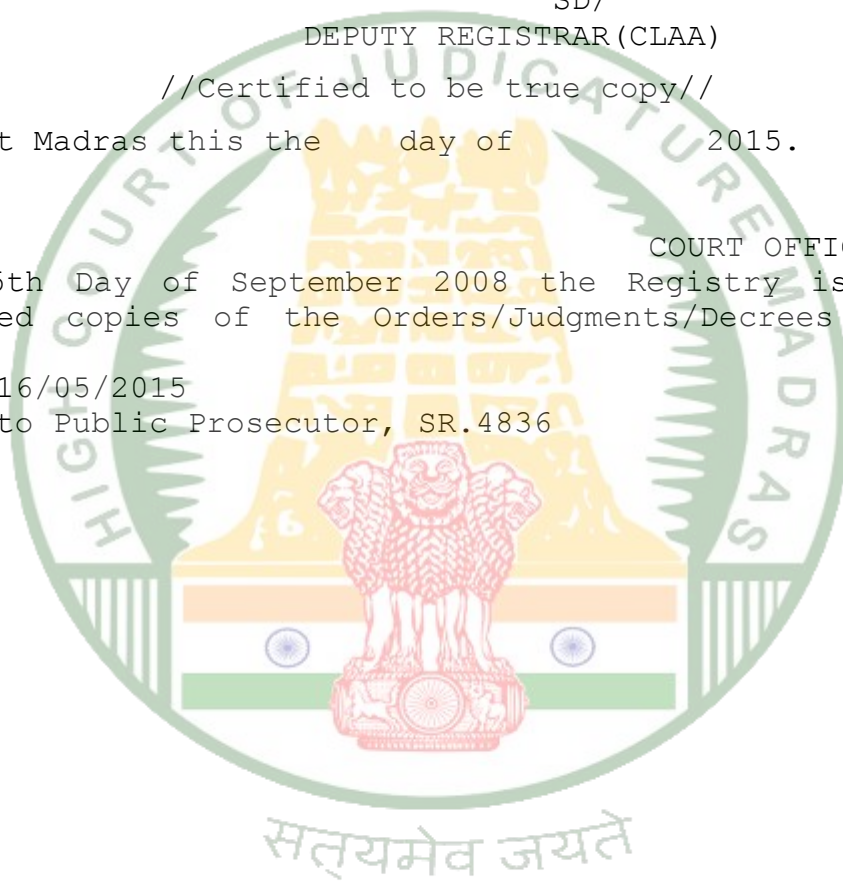
Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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RLD/CO/16/05/2015

One CC to Public Prosecutor, SR.4836



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