

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Contempt Petition No.2530 of 2015

K.Jayaraman

... Petitioner

Vs

Mr.Balakumaran,
Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for knowingly making false submission before this Court in CrI.OP No.30285 of 2012 on 05.09.2014.

For Petitioner : Mr.R.Vijayaraghavan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Contempt Petition has been filed alleging willful disobedience of the order issued by this Court on 05.09.2014 in CrI.OP.No.30285 of 2012.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. In CrI.OP.No.30285 of 2012, this Court has

passed the following order on 05.09.2014:

"3. It is now submitted by the learned Additional Public Prosecutor that against the complaint given by the petitioner on 01.04.2007, a case in Crime No.588 of 2007 had already been registered and the investigation has been closed by serving RCS notice to the defacto complainant.

4. In view of the aforesaid submissions, this Court is of the view that no further order is necessary in this Criminal Original Petition.

5. However, the defacto complainant is at liberty to approach the concerned court for an appropriate further relief. Hence, this Criminal Original Petition is closed."

4. It is seen that this Court has not given any positive direction to the respondent-police, for the petitioner to allege that the respondent have violated the order. It is the grievance of the petitioner that RCS notice was not served on him and therefore, he has filed this Contempt Petition.

5. It is seen that the case was registered in the

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

year 2007 and the closure report has been filed much earlier, by service of RCS notice. This Court has not

directed the police to serve a fresh RCS notice in CrI.OP.No.30285 of 2012, by order dated 05.09.2014, and give a new cause of action for the petitioner to file a protest application, in respect of a case which was closed long back. That cannot be permitted. Hence, there is no ground for issuance of statutory notice. Accordingly, this Contempt Petition is closed.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/06/09/2016

One CC to M/s.R.Vijaya Raghavan, Advocate, SR.8210/2016

ds

To:

1.Mr.Balakumaran,
Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu.

2.The Public Prosecutor,
High Court, Madras.