

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Contempt Petition No.1100 of 2016

D.Vijayalakshmi

... Petitioner

vs.

1.Narandra Nair, I.P.S.,
The Superintendent of Police,
Villupuram District,
Villupuram.

2.Tamilvanan,
The Inspector of Police,
Nallan Pillai Petran Police Station,
Seppettai, Gingee Taluk,
Villupuram District.

.... Respondents

Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondents for wilful disobedience of the order of this Court dated 17.11.2015 passed in CrI.O.P.No.26613 of 2015.

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For Petitioner : Mr.C.Kathiresan

For Respondents : Mr.P.Govindarajan,
Addl. Public Prosecutor.

ORDER

Alleging that the order of this Court dated 17.11.2015 passed in Crl.O.P.No.26613 of 2015 has not been complied with, the present contempt petition has been filed.

2. It is the case of the petitioner that the marriage between herself and one Rajesh was solemnized on 23.5.2013 as per Hindu Customs and Rites at Sri Sakunthala Mahal Thirumana Mandapam, Keezh Pennathur, Tiruvannamalai. At the time of marriage, her father gave 25 sovereigns of gold ornaments, a two wheeler bearing Registration No.TN 11-8993, a cot, a bureau and other household articles as sridhana. Since her husband and in-laws started to harass her by demanding dowry, she lived separately. It was the allegation of the petitioner that the said Rajesh had kidnapped a college girl viz., Chitra, aged about 21 years and married her illegally. The petitioner had also given a complaint to the second respondent, in this regard, on the allegation of bigamy and also requesting them to secure all the household articles and 25 sovereigns of gold and handover them to her father. Since no action was taken on the said complaint, the petitioner filed the a petition in Crl.O.P. No.26613 of 2015 before this Court.

3. When the OP was taken up for hearing on

17.11.2015, this Court passed the following order:-
<https://hcservices.ecourts.gov.in/hcservices/>

"4. Considering the submissions made on either side, this Court is constrained to pass the following order:

Though the complaint was lodged on the allegation of bigamy, this Court cannot give a direction to the respondent police to register a case, since it is non cognizable offence. Hence, this petition is closed. However, the petitioner is at liberty to work out his remedy by way of a private complaint. So far as, the return of the articles is concerned, the respondents are directed to conduct enquiry on the complaint given by the petitioner dated 10.8.2015 and dispose of the same in accordance with law, as early as possible. "

Now, the present contempt petition has been filed alleging that in spite of the direction given by this Court to conduct an enquiry on the complaint given by the petitioner dated 10.08.2015 and dispose of the same in accordance with law, as early as possible, the respondent police has not conducted any enquiry on her representation.

4. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that on the complaint dated 10.8.2015 given by

the petitioner, an enquiry was conducted by the respondent police and after enquiry, a case was registered in Crime No.47 of 2015. Subsequently, on completion of investigation, charge sheet was filed in Crime No.47 of 2015 as against the husband of the petitioner for the offence under Sections 406, 498-A and 506(i) I.P.C. and Section 4 of Dowry Prohibition Act. Thus, he has submitted that the order of this Court has been complied with.

5. Since on the complaint given by the petitioner, a case has been registered and after completion of investigation, charge sheet was filed as against the husband of the petitioner, I am of the opinion, nothing survives in this contempt petition and hence, the contempt petition is closed. However, with regard to the return of the sridhana articles, the petitioner is at liberty to work out her remedy in a manner known to law, if she is so advised.

sbi

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//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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/CO/15/07/2016

One CC to M/S.C. Kathiresan in SR 7523/16