

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Cont.P.No.1282 of 2016

P.Mohana

.. Petitioner

Vs.

Jaya Subramaniam,
The Assistant Commissioner of Police,
Madhavaram,
Chennai.

.. Respondent

Prayer:- Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent under the provision of the Contempt of Court's Act for the willful disobedient of the judgment or orders of this Court dated 26.02.2016 in CrI.O.P.No.3562 of 2016.

For Petitioner : Mr.D.S.Ramesh

For Respondent : Mr.M.Mohamed Riyaz

Govt. Advocate (crl.side)

ORDER

Heard the learned counsel appearing for the petitioner and Mr.Mohamed Riyaz, learned Government Advocate (Crl. Side) appearing for the respondent/contemnor.

2.The petitioner herein has filed CrI.O.P.No.3562 of 2016 under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case on the basis of the complaint lodged by him dated 01.02.2016. This Court, by order dated 26.02.2016, directed the second respondent

therein to expedite the enquiry and follow the dictum laid down in ***Lalitha Kumari v. Government of U.P. and others [2013 (4) Crimes 243 (SC)]*** and register a case, if any cognizable offence is made out.

3. According to the petitioner, the respondent/contemnor, who is the second respondent therein, has neither conducted any enquiry nor registered a case and that he has willfully disobeyed the order passed by this Court. Hence, the petitioner has filed the present contempt petition.

4. Today, the respondent/contemnor is present and filed a counter affidavit stating that following the dictum laid down in ***Lalitha Kumari's*** case, enquiry has been conducted and the same was closed and the closure report has been furnished to the petitioner. It is further submitted that this contempt petition has been filed without issuing pre-contempt notice and only after the contempt petition was taken on file, notice has been sent to the respondent/contemnor.

5. At the time of arguments, the learned counsel appearing for the petitioner would submit that the acknowledgment for the closure report does not contain the signature of the petitioner. But on verification of the

acknowledgment, it is seen that the signature belongs to the petitioner.

6.Considering the arguments advanced by both sides that in pursuant to the order passed by this Court in CrI.O.P.No.3562 of 2016 dated 26.02.2016, following the dictum laid down in **Lalitha Kumari's** case enquiry has been conducted and the same was closed and the closure report has also been sent to the petitioner, I do not find any willful disobedience on the part of the respondent/contemnor. Hence, this Contempt Petition is dismissed.

SD/-
JOINT REGISTRAR(OS)

cse

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/23/11/2016

One CC to Mr. D.S.Ramesh, Advocate Sr.No.13292/2016

To

Mrs.Jaya Subramaniam,
The Assistant Commissioner of Police,
Madhavaram,
Chennai.