

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Cont.P.No.1783 of 2016

1. A.Muthu Krishnan
2. M.Thara

.. Petitioners

Vs.

Mr.T.Mohan
Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

.. Respondent

Prayer:- Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for the unjustifiable disobedience of the order passed in CrI.O.P.No.8111/2016 dated 27.04.2016.

For Petitioner : Mr.S.VeeraRaghavan
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.

2.The petitioner herein has filed CrI.O.P.No.8111 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 18.03.2016. This Court, by

order dated 27.04.2016, directed the first 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 first 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 and additional counter affidavit which reveals that in obedience of the order passed by this Court on 27.04.2016, a case has been registered in Crime No.578 of 2016, under Section 447 I.P.C. and on perusal of the documents of the complainant, Mr.Muthukrishnan, the Section was subsequently altered into 423, 467, 471 I.P.C. .It is also stated in the counter affidavit that the first accused has executed a Settlement Deed in favour of his wife as if he is the owner on the property and hence the case came to be registered. The respondent/contemnor has tendered his unconditional apology for the delay in implementing the

5. The learned counsel for the petitioner would submit that the Sub Registrar ought to have been implicated.

6. Considering the submissions made on either side and also perusing the materials available on record, this Court is of the view that the case alone has been registered and investigation has to be done. The investigating agency has got every right to implicate the new accused. Whether the Sub Registrar is a accused or not has to be decided only at the time of investigation and not at the time of registering the case.

7. In view of the compliance of the order passed by this Court dated 27.04.2016 and also recording the unconditional apology by the respondent, this Contempt Petition is closed.

Sd/-

JOINT REGISTRAR(OS)

arr

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/08/11/2016

To
Mr.T.Mohan
Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

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

One CC to Mr.S.Veeraraghavan, Advocate, Sr.No.13744/2016.