

In the High Court of Judicature at Madras

Dated: 07.11.2016

Coram:

The Hon'ble Mr.Justice **P.N.PRAKASH**

Contp.No.2281 of 2016

C.Rathi

.. Petitioner

Vs.

M.C.Ramesh

The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai.

.. Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful disobedience of the order passed by this Court dated 27.06.2016 made in CrI.O.P.No.12896 of 2016.

For Petitioner : Mr.G.Prabhu

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Contempt Petition has been filed by the petitioner alleging willful disobedience of the order passed by this Court on 27.06.2016 in CrI.O.P.No.12896 of 2016.

2.Today, when the matter was called, Mr.M.C.Ramesh, the Inspector of Police, J-8, Neelankarai Police Station, Chennai is present.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. The learned Additional Public Prosecutor on instructions would submit that pursuant to the order passed by this Court dated 27.06.2016, the petitioner has lodged a complaint on 06.07.2016. Based on which, a petition enquiry is pending in CSR.No.213 of 2016. Under such circumstances, the petitioner has filed this contempt petition before this Court, alleging the respondent police has violated the order passed by this Court dated 27.06.2016.

5. In Crl.O.P.No.12896 of 2016, this Court has passed the following order on 27.06.2016:

"3. It is the case of the petitioner that the opposite party is a tenant under her and that it is an oral tenancy. While so, the opposite party has fabricated a rental agreement dated 28.08.2006, as if it was executed by the petitioner. In this regard, a complaint dated 04.05.2016 is pending with the second respondent.

4. Under such circumstances, the petitioner is directed to appear in person

before the second respondent police along with this order and lodge a fresh complaint, enclosing a copy of the rental agreement. On receipt of such complaint, the same shall be enquired into and action be taken thereon in accordance with law, if it is discloses the commission of a cognizable offence or drop action otherwise.

With the above direction, this Criminal Original Petition is disposed of."

6. It is the case of the petitioner that his tenant has given a fabricated Tenancy Agreement dated 28.08.2006, forging the signature of the petitioner to the Sale Tax Department for obtaining TIN number. Under such circumstances, the original agreement that has been given by the tenant to the Sales Tax Department is necessary for the police for investigation. It is stated by the learned Additional Public Prosecutor that the respondent police have obtained the photocopy of the said Agreement dated 28.08.2006 from the Sales Tax Department. In view of the same, the respondent police is directed to proceed with the enquiry and during the enquiry, if it is found that the opposite party had forged the signature of the petitioner, it is needless to state that regular FIR can be registered

in the opinion of this Court.

7.It is made clear that this Court has not given any specific direction to the respondent police in CrI.O.P.No.12896 of 2016 dated 27.06.2016 which is said to be violated by the respondent police by the petitioner and therefore, there is no question of issuing contempt notice against the respondent.

8.With the above observation, the Contempt Petition is closed.

DP

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/17/11/2016

One CC to Mr.G.Prabhu, Advocate, SR.14450/2016

To

1.M.C.Ramesh
The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai.

2.The Public Prosecutor,
High Court,
Madras.