

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Cont.P.No.2778 of 2016

Durairajan@ R.D.Ragan

.. Petitioner

Vs.

Mr.Subramani
The Inspector of Police
Virugambakkam Police Station,
Chennai-600 092

.. Respondent

Prayer:- Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willfully disobeying the order passed in Crl.O.P.No.7392 of 2016 dated 05.04.2016.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.M.Mohamed Riyaz
Govt. Advocate (crl.side)

सतगमेन जयते
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 Crl.O.P.No.7392 of 2016 under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case on the petitioner's complaint dated 22.02.2016. This Court, by an order dated

05.04.2016, directed the fourth respondent therein to expedite the enquiry and follow the dictum laid down in ***Lalitha Kumari Vs. Government of U.P. & 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 fourth 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, after issuing contempt notice, has filed the present contempt petition.

4. Today, the respondent/contemnor is present and filed counter affidavit, stating that before the order dated 05.04.2016, was passed by this Court, enquiry has been conducted and closed. He would further submit that the closure report has not been communicated to the complainant. Immediately, after filing of contempt petition the copy has been forwarded. It is further stated that both the petitioner as well as counter petitioner has given complaints. The complaint given by the petitioner was assigned C.No.766 of 2016, whereas the complaint of the counter petitioner was assigned C.S.R.No.157 of 2016. He would further submit that on 05.04.2016, the C.S.R.No. was wrongly mentioned before this Court as C.S.R.No.157 of 2016, which pertains to the complaint given

by the counter petitioner and hence the order came to be passed incorporating C.S.R.No.157 of 2016. Therefore, that matter was closed after enquiry on 02.04.2016. The proposed accused, on the basis of the complaint given by the petitioner filed in Crl.O.P.No.6802 of 2016, seeking anticipatory bail, and when the matter was listed on 13.04.2016, it was recorded as closed. Hence, it is submitted that the matter has been closed prior to 02.04.2016, prior to passing of orders in Crl.O.P.No.7392 of 2016. It is stated that after receipt of the contempt notice they have not furnished the closure report to the petitioner and he tendered his unconditional apology for not given reply to two contempt notices, though the complaint has been closed as early as on 02.04.2016.

5. Recording the same, this contempt petition is closed.

सत्यमेव जयते

Sd/-

JOINT REGISTRAR (OS)

//Certified to be true copy//

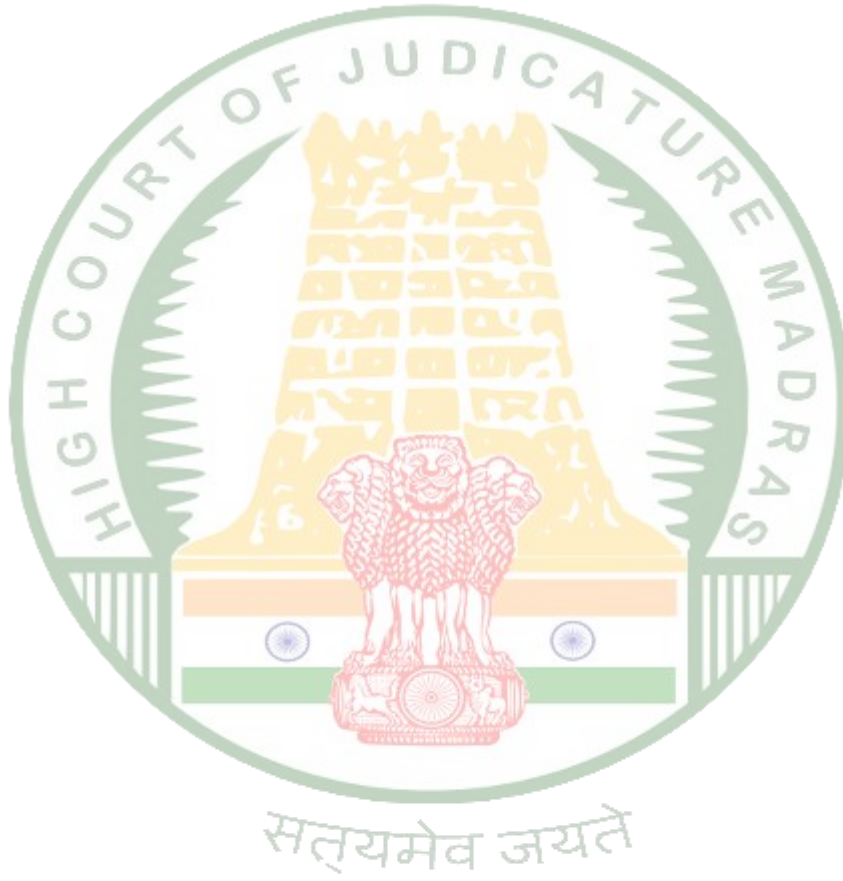
Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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CO/22/12/2016

To
Mr.Subramani
The Inspector of Police
R-5 Virugambakkam Police Station,
Chennai-600 092



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