

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Cont.P. No.2909 of 2016

A.Gurusamy

[PETITIONER]

Vs

1.M.Singamuthu

2.S.Sundarambal

3.S.Dinesh Kumar

[RESPONDENTS]

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for wilful, wanton and deliberate act of violation of the order of this Court dated 27.06.2014 passed in CrI.RC. No.380 of 2009, for committing contempt of Court.

For Petitioner : Mr.S.Baskaran

सतयमेव जयते
ORDER

Heard the learned counsel for the petitioner.

2.This Contempt Petition has been filed against the non-compliance of the order and direction issued by this Court in CrI.R.C. No.380 of 2009, dated 27.06.2014, inasmuch as they have suppressed this order and have filed a Petition under section 482 Cr.P.C. in CrI.O.P.No.8517 of

Chennai.

3.The CrI.R.C. No.380 of 2009, was filed against the order dated 08.04.2008, by which private complaint filed by the petitioner was thrown out at the very threshold. The Court, after hearing the parties observed that the order passed by the learned trial Magistrate was incorrect and set aside the order. With regard to the merits of the matter, this Court pointed out that since the complaint has been thrown out at the very threshold, the same cannot be gone into, while disposing of the Revision Petition. Accordingly, a direction was issued to the learned trial Magistrate to issue notice to the respondents and proceed in accordance with law.

4.Upon such direction being issued, the learned trial Magistrate has issued notices to the respondents herein, who have now questioned the complaint by filing a Petition under section 482 of Cr.P.C.

5.In the considered view of this court, filing of the Petition under section 482 Cr.P.C., to quash the complaint by itself cannot be taken as having committed an act of contempt and therefore, the Court is not inclined to entertain this Contempt Petition. However, it is always open to the petitioner to bring to the notice of the Court dealing with CrI.O.P.No.8517 of 2015, about the order

passed in CrI.R.C.No.380 dated 27.06.2014.

With the above observation, the Contempt Petition is closed.

SD/-

JOINT REGISTRAR(OS)

rpa

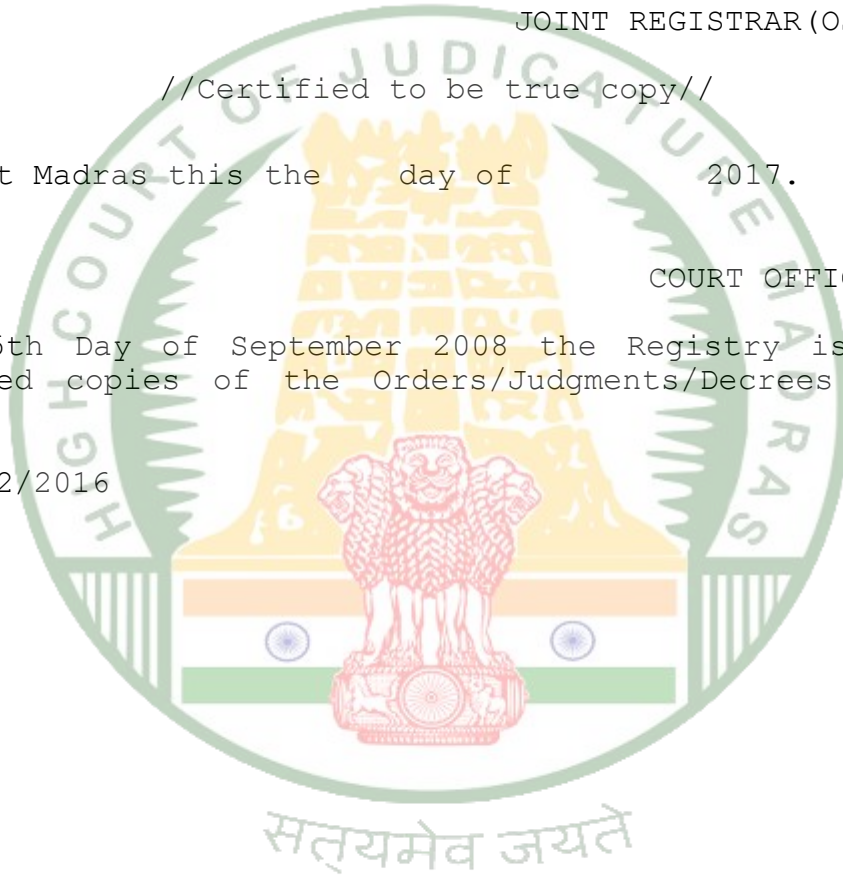
//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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