

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cont.P. No.636 of 2016

M.Subramanian

Petitioner

vs.

1.Zea U Hug, District
Superintendent of Police
Ariyalur District
Ariyalur.

2.Balasubramanian
Inspector of Police
T.Palur Police Station
Ariyalur District.

Respondents

Contempt Petition filed under Section 11 of Contempt
of Courts Act to punish the respondents for wilful
disobedience of the order dated 25.06.2015, made in
Crl.O.P.No.15611/2015.

For petitioner

Mr.V.J.Arul Raj

For Respondents

Mr. C. Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to punish the respondents
for wilful disobedience of the order dated 25.06.2015, made
in Crl.O.P.No.15611/2015.

2. Subramanian, the petitioner herein filed

Crl.O.P.Nos.15611 and 15612 of 2015 for police protection

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

and for registration of a case on his complaint dated

22.05.2015 vide CSR No.211 of 2015. This Court, by common

order dated 25.06.2015, directed the respondent police to conduct enquiry in CSR No.211 of 2015 and take action in accordance with law. Thereafter, the petitioner has filed the present contempt application alleging that the respondent police have not complied with the order dated 25.06.2015 passed in CrI.O.P.No.15611 of 2015. On 06.07.2016, when the matter came for hearing, this Court passed the following order:

"When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that Mr.P.Balasubramanian, Inspector of Police, T.Palur Police Station, Ariyalur District, is present.

2. On instruction, the learned Additional Public Prosecutor submitted that petition enquiry in CSR No.211 of 2015 is pending, since the petitioner is not co-operating with the enquiry.

3. It is refuted by the learned counsel appearing for the petitioner.

4. The learned Additional Public Prosecutor further submitted that on the complaint given by one Kolancheyappan, the brother of the petitioner, in respect of the same transaction, police protection has been given.

5. In view of the above, the petitioner is directed to co-operate with the enquiry and the respondent-police is directed to take appropriate action in CSR No.211 of 2015 in accordance with law and file the status report before this Court.

Post on 20.07.2016 for filing status report."

<https://hcservices.ecourts.gov.in/hcservices/> 3. Today when the matter was taken up for hearing, it

is represented that P.Balasubramanian, Inspector of Police,

T.Palur Police Station, Ariyalur who appeared before this Court on 06.07.2016 has been transferred and now Mr.R.Radhakrishnan, Inspector of Police, ALGSC, i/c T.Palur Police Station, is present.

4. Learned Additional Public Prosecutor produced the complaint dated 22.05.2015 that was given by Subramanian to the police, based on which CSR No.211 of 2015 was registered. The said complaint contains the signature of Subramanian. On comparison of the complaint with the one that was filed along with typed set of papers in CrI.O.P.Nos.15611 and 15612 of 2015 it is seen that both are different. The complaint that was filed in the typed set of papers does not bear the signature of Subramanian, whereas, the copy of the complaint that was produced by the learned Additional Public Prosecutor bears the signature and on cursory comparison of the same with the Vakalat in this case, it tallies. Thus, there are *prima facie* materials to show that Subramanian has filed a false document before this Court for misleading this Court.

5. Learned Additional Public Prosecutor submitted that in respect of the incident that had taken place on 17.05.2015, on the complaint given by Subramanian's father Murugesan, initially a petition enquiry was conducted in CSR No. 208 of 2015 and later a regular FIR has been registered in Cr.No.95 of 2015 on 22.05.2015 against eight

persons and seven accused were arrested and remanded to custody. A reference to CSR No.208 of 2015 is found in the copy of the complaint given by Subramanian bearing his signature that was produced by the learned Additional Public Prosecutor. Learned Additional Public Prosecutor submitted that pursuant to the order passed by this Court on 06.07.2016, further enquiry was conducted in CSR No.211 of 2015 and the same was closed on 10.07.2016 and it was found to be a false complaint. Under such circumstances, there are no merits in this contempt petition and the same is dismissed.

gms

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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