



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cont.P(MD)No.1052 of 2016

Gopalakrishnan

... Petitioner

-vs-

John Benjamin
The Inspector of Police
Keeranur Police Station
Dindigul District

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondent and punish him for fraudulent misrepresentation on 11.07.2016 made in Crl.O.P.(MD) No.11111 of 2016.

Prayer in CRL OP(MD). 11111/ 2016 :

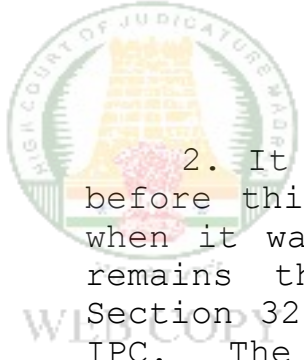
Petition filed under section 482 of Crl P.C to direct the 1st respondent for change of investigation in Crime No.155 of 2016 on the file of Respondent No.2 and entrust the same to Respondent No.3 for investigation of the case by a Competent Officer and file a final report before the Jurisdictional Magistrate within the time stipulated by this Honourable Court.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.A.P.Balasubramani
Government Advocate (Crl. side)

O R D E R

It is an application for contempt taken out by the petitioner/de-facto complainant. It is claimed by the petitioner that at the time when the petition was moved before this Court asking for investigation by some other agency, it was represented by the respondent that already final report has been filed. Later on, under the Right to Information Act, the de-facto complainant has got the information that no chargesheet has been filed as on 21.05.2016.



2. It is a mistake on the part of the respondent to represent before this Court that chargesheet has been filed on 21.05.2016, when it was not actually filed on 21.05.2016. However, the fact remains that even though the case has been registered under Section 324 IPC, the chargesheet has been filed under Section 326 IPC. The petitioner wanted change of investigation only on the ground that the case is not registered under Section 307 IPC. Inasmuch as the grievance of the petitioner has been redressed, somehow or the other, to substantial extent, this Court is of the view that it is not proper to take any contempt action against the respondent.

3. With the above observation, this petition is closed.

Sd/

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To
John Benjamin
The Inspector of Police
Keeranur Police Station
Dindigul District

SMA/PV/27/09/2016 :2P/2C

**ORDER MADE IN
Cont.P(MD)No.1052 of 2016**