



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CONT.P.(MD) No.258 of 2016
in
Crl.O.P.(MD) No.11224 of 2015

Kuppusamy ... Petitioner/Petitioner

vs.

Ashwin M.Kotnik
Superintendent of Police
O/o.The Superintendent of Police
Thoothukudi District ... Contemnor/1st Respondent

Prayer: Petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent for willfully and deliberately disobeying the order of this Court made in Crl.O.P.(MD) No.11224 of 2015, dated 02.07.2015.

Prayer in CRL OP(MD). 11224/ 2015 :

To direct the respondents police to register a case based on the complaint of the petitioner dated 31.05.2015 against the proposed accused either U/s. 302 of IPC or 306 (A) of IPC and investigate the matter and file a final report within a time fixed by this Hon'ble Court.

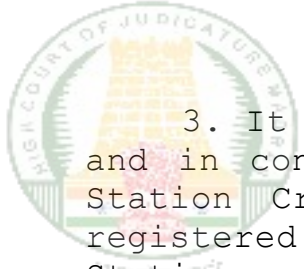
For Petitioner : M/S.A.Rajini

For Respondent : Mrs.S.Prabha
Govt. Advocate (Crl.Side)

O R D E R

The petitioner has filed this contempt petition, under Section 11 of Contempt of Courts Act, to punish the respondent herein for his wilful and deliberate disobedience to the Order of this Court, dated 02.07.2015, in Crl.O.P.(MD) No.11224 of 2015.

2. Heard the learned counsel appearing for the petitioner and Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondent and perused the case diary.



3. It is seen that the petitioner's daughter committed suicide and in connection with which a case in Thoothukudi South Police Station Crime No.450 of 2015, under Section 174 Cr.P.C., was registered. The Inspector of Police, Thoothukudi South Police Station, conducted investigation and filed a closure report contending that the death of the petitioner's daughter was suicide and no one was responsible for it. Aggrieved by the closure of the investigation, the petitioner filed a criminal original petition, in CrI.O.P.(MD) No.11224 of 2015, before this Court and by Order, dated 02.07.2015, this Court directed the Superintendent of Police, Thoothukudi District, to transfer the case from the file of the Inspector of Police, Thoothukudi South Police Station, to the file of any other Officer under his control for further investigation.

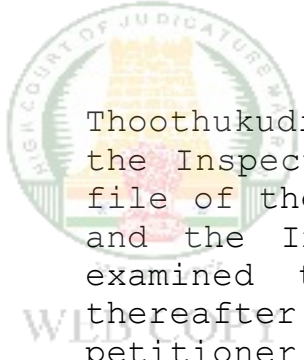
4. Now, the petitioner has filed this contempt petition alleging that the Superintendent of Police, Thoothukudi District, has not complied with the Order, dated 02.07.2015, passed by this Court, in CrI.O.P.No.11224 of 2015.

5. When the contempt petition is taken up for hearing, Suresh Kumar, Inspector of Police, attached to Thoothukudi North Police Station, is present and produced the case diary.

6. On perusal of the case diary, it is seen that after the Order, dated 02.07.2015, passed by this Court, the Superintendent of Police, Thoothukudi District transferred the case from the file of the Inspector of Police, Thoothukudi South Police Station, to the file of the Inspector of Police, Thoothukudi North Police Station, in compliance of the orders passed by this Court and ordered further investigation. Further, it is seen that on 07.09.2015, the Inspector of Police, Thoothukudi North Police Station, issued summons to the petitioner and examined him, wherein the petitioner maintained the same allegation that there is some foul play in the death of his daughter. The Inspector of Police, Thoothukudi North Police Station, examined additional witnesses, namely, Chandramani, Isakki Ammal, Velu and Vellaisamy and thereafter filed the closure report, dated 15.09.2015, before the learned Judicial Magistrate No.II, Thoothukudi.

7. According to the petitioner, the Inspector of Police, Thoothukudi North Police Station, has not properly investigated the case from his angle and the closure report filed by the Inspector of Police once again reiterates the earlier findings of the Inspector of Police, Thoothukudi South Police Station.

8. In contempt proceedings, it is not open for this Court to look into those aspects, because the jurisdiction of this Court is <https://hosevices.edunio.org/india-services/> as much as this Court should see whether the Orders passed by this Court has been complied with in letter and spirit or not. As stated above, the Superintendent of Police,



Thoothukudi District, has transferred the case from the file of the Inspector of Police, Thoothukudi South Police Station, to the file of the Inspector of Police, Thoothukudi North Police Station, and the Inspector of Police, Thoothukudi North Police Station, examined the petitioner as well as additional witnesses and thereafter come to the conclusion that the death of the petitioner's daughter is suicide. Therefore, it cannot be said that the Superintendent of Police, Thoothukudi District, is punishable under the provisions of Contempt of Courts Act, 1971. However, it is always open to the petitioner to approach the learned Judicial Magistrate No.II, Thoothukudi and file a protest application in terms of law laid down by the Hon'ble Supreme Court in *Vinay Tyagi vs. State of U.P. And others*, reported in *Laws (All)-2010-8-369*.

9. In the result, this contempt petition is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To:

1 Ashwin M.Kotnik,
The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi District.

2 The Judicial Magistrate No.II, Thoothukudi

GJM/SK/SKN/23.3.16-3p-3C

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