



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CONT.P.(MD) No.280 of 2016

in

Cr1.O.P.(MD) No.748 of 2015

P.Jeyachandran

... Petitioner

vs

Natarajan
Inspector of Police
Thirupparankundram Police Station
Thirupparankundram
Madurai

... Respondent

Prayer: Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the contemnor / respondent and punish him for the willful disobedience of the order of the Hon'ble High Court in Cr1.O.P.(MD) No.748 of 2015, dated 21.04.2015.

Prayer in CRL OP(MD). 748/ 2015 :

Filed under section 482 of Criminal procedure code to direct the 2nd respondent to expedite the investigation of the case in Crime. No.236 of 2013 on the file of the Inspector of Police, Thirupparankundram police station, Madurai and further to direct the final report within the time frame stipulated by this Honourable Court

For Petitioner : Mr.J.Lawrance

For Respondent : Mrs.S.Prabha

Govt. Advocate (Cr1.Side)

ORDER

The petitioner has filed this contempt petition, under Section 11 of Contempt of Courts Act, 1971, to punish the respondent herein for his wilful and deliberate disobedience to the Order of this Court, dated 21.04.2015 in Cr1.O.P.(MD) No.748 of 2015.

2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioner and Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the respondent.

3. It is seen that there was a theft in the petitioner's house, on 30.09.2013 during night hours, and in connection with which a case in Thirupparankundram Police Station Crime No.236 of 2013 was registered for the offences punishable under Sections 457 and 380, I.P.C. and the investigation is still pending. Since there was no progress in the investigation, the petitioner filed a criminal original petition, in Cr1.O.P.(MD) No.748 of 2015, for a



direction to the respondent Police therein to complete the investigation, in Crime No.236 of 2013, within a stipulated time. In the said criminal original petition, the respondent Police filed a status report stating that:

"5. It is respectfully submitted that in the meanwhile, one Ramesh @ Singa Thevan, S/o.Palaniandi residing at Nethaji Nagar, Tirunagar was arrested by Tirunagar Police in Crime No.612/2013, 613/2013, 621/2013, 625/2013 under section 457, 380 IPC while tendering confession on his own volition confessed to have committed the theft in Crime No.236/2013 under Section 457, 380 I.P.C., on the file of Thirupparankundram Police Station and hence on getting warrant from the Learned Judicial Magistrate No.6, the accused was formally arrested at Central Prison, Madurai on 18.02.2014 at 13.30 hours. Later, requisition was submitted for taking the accused under police custody for custodial interrogation. In the meanwhile the accused was enlarged on bail and absconding.

6. It is respectfully submitted that in the meanwhile the above case was closed under RCS No.1027/2014, dated 02.12.2014 as a long pending case by Lok Adolot and hence a requisition was submitted before the Learned Jurisdictional Magistrate to re-open the case and order further investigation and the same is pending before the Learned Judicial Magistrate No.VI, Madurai.

7. It is respectfully submitted that on getting orders from the Learned Court, further investigation, will be conducted, Non-Bailable Warrant obtained to secure the accused."

4. Recording the above, on 21.04.2015, this Court passed the following Orders:

"3. In view of the above said factual position, a direction is issued to the second respondent to conclude the investigation, after completing all the formalities and taking appropriate steps and file a final report within a period of eight months from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is disposed of."

5. Now, the petitioner has filed this contempt petition alleging that the respondent herein has failed to comply with the Order, dated 21.04.2015, passed by this Court, in CrI.O.P.(MD) No.748 of 2015.

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

6. The learned counsel appearing for the petitioner has



contended that the respondent Police, in the status report, have stated that one Ramesh @ Singa Thevan was arrested and thereafter he has been let off.

7. The learned Government Advocate (Criminal Side) appearing for the respondent has produced a report, dated 29.02.2016, filed by the respondent herein, wherein it is stated that though the said Ramesh @ Singa Thevan had given a confession statement when he was arrested by Thirunagar Police, during investigation by Thirupparankundram Police, it was found that he was not involved in the offence in Crime No.236 of 2013 and therefore he was let off. Further, it is stated that the case is under investigation and the Police are taking steps to nab the real culprit.

8. It is seen that this Court granted eight months time in the Order, dated 21.04.2015, on the premise that the Police are zeroed in on the real accused. Unfortunately, Ramesh @ Singa Thevan, who was arrested by Tirunagar Police is not involved in Thirupparankundram Police Station Crime No.236 of 2013. Police cannot foist any false case on innocent persons and make them to take responsibility for the offences that have not been committed by them. Hence, this Court should be very careful while issuing directions to the Police to complete the investigation in a time bound manner, because it will make the Police to foist false cases on innocent persons in order to escape from the clutches of the contempt proceedings.

9. Since the Inspector of Police, Thirupparankundram Police Station, has stated that the investigation, in Crime No.236 of 2013, is still pending, the same is recorded and this contempt petition is closed with a direction to the respondent herein to diligently pursue the investigation and arrest the real offender.

Sd/

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

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To:

Natarajan,
Inspector of Police,
Thirupparankundram Police Station,
Thirupparankundram, Madurai.

+1cc to Mr.J.Lawrance Advocate SR.No. 13711
CN/SKN-SK/21.03.2016/3P-3C