



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cont. P(MD)No.859 of 2016

M.Alagu Jothi

: Petitioner/Petitioner

-vs-

1.Mr.Vijendra Pithari,
The Superintendent of Police,
Madurai District.

2.Mr.Ramakrishnan,
The Deputy Superintendent of Police,
Usilampatti Post,
Madurai District.

3.Mr.Vinayagam,
The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

: Respondents/Contemnors

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents for their willful disobedience of the order of the court, dated 18.02.2016 in Crl.O.P(MD)No.2987 of 2016.

PRAYER IN CRL OP(MD).2987/2016 : Criminal Original Petition filed U/s 482 Cr.PC, to direct the 2nd respondent to file final report in Cr.No.14 of 2016 on the file of the 2nd respondent before the J.M.No.1 Usilampatti within the period that may be stipulated by this Honourable Court.

For Petitioner : Mr.K.Suresh

For respondents : Mr.K.Anbarasan
Government Advocate(Crl. side)

O R D E R

This petition is filed to punish the contemnors for their willful disobedience of the order of this court passed in Crl.O.P(MD)No.2987 of 2016, dated 18.02.2016.



2. When CrI.O.P(MD)No.2987 of 2016 was taken up for hearing on 18.12.2016, it was represented that the case in Crime No.14 of 2016 was closed as 'Mistake of Fact' and the closure report was also filed before the Judicial Magistrate No.II, Usilampatti, on 18.01.2016.

3. Mr.K.Suresh, learned counsel appearing for the petitioner would submit that the petitioner filed an application, dated 19.02.2016 for issuance of the certified copy of the charge sheet filed in Crime No.14 of 2016, but it was returned with an endorsement that final report was not yet filed, it shows that the respondents misrepresented and gave a false statement before this court and therefore, they should be punished.

4. Per contra, Mr.K.Anbaran, learned Government Advocate (Criminal side) would submit that the second respondent, who is the Investigating Officer completed the investigation of the case in Crime No.14 of 2016 and closed the case as 'Mistake of Fact' and the closure report was also affixed in the house of the petitioner, on 18.01.2016. It is further submitted that final report could be filed only after getting approval from the Vigilance Committee and now, they are awaiting for approval from the Committee to file a final report before the concerned court, so there is no willful disobedience by the 2nd respondent.

5. Recording the above submission, this petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To,

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1. The Superintendent of Police,
Madurai District.
 2. The Deputy Superintendent of Police,
Usilampatti Post,
Madurai District.
 3. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 cc to Mr.K.Suresh, Advocate in SR No.56499
anr/km/21.10.2016/2p/6c