

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.521 OF 2014

ORDER:

_____ The order, violation of which is alleged in the present Contempt Case, is the order passed in W.P.No.1029 of 2014 dated 04.02.2014. In the said order, this Court noted the petitioner's allegation that respondents 3 and 4 police officials were interfering in the civil disputes in respect of his house and other properties, and were insisting that he effect partition of the properties, and allot 60% in favour of his sisters. Having noted the submission urged on behalf of the fourth respondent, by the learned Government Pleader, that the fourth respondent was present in the Court and had stated that he had not interfered with the civil disputes, the Writ Petition was closed.

_____ In the present Contempt Case, the petitioner alleges that, subsequent to the order passed by this Court on 04.02.2014, Sri H.Someswara Rao, Home Guard, came to his house on 04.03.2014 stating that the respondent had instructed him to direct the tenants to pay rents to his mother and sisters. In the counter affidavit filed by the third respondent, it is stated that the petitioner's mother has three daughters and a son; her husband died on 21.11.2009 due to ill-health; her son (i.e., the petitioner) was carrying on business and was staying with her; after her husband's death, her son prepared forged documents, and was trying to grab the entire properties; he was insisting that she should sign on a white paper; when she refused, he brought a distant relative and was threatening to neck her out of the house; he did not show any interest to look after the welfare of his mother, and was trying to foist a false case against her; he also sent legal notices through his advocate; because of his activities and, as she wanted to escape from her son, she had requested police officials to take necessary action; a case in Crime No.427 of 2013 was registered on the file of the Inspector of Police, II Town Police Station, Khammam on 22.09.2013, and investigation was taken up; the petitioner is the sole accused in the FIR; and, after investigation, a charge sheet in C.C.No.1163 of 2013 was filed. The third

respondent denies having sent a Constable by name Prasad to the house of the petitioner or to have instructed Sri H.Someswara Rao, Home Guard to direct the petitioner and his tenants to pay rents to the petitioner's mother. The third respondent contends that, since a charge sheet was filed against the petitioner and as he bore grudge against his own mother and sisters, he filed the present Contempt Case with ulterior motives; except registration of the said crime, and proceeding with the investigation, he had not interfered in civil disputes; and neither had he sent any Police Constables to the house of the petitioner nor had he directed the tenants to pay rent to the petitioner's mother. In the rejoinder, the petitioner states that he has recorded evidence against the respondent, and was ready to produce the same before this Court.

The allegation in the affidavit, filed in support of the Writ Petition, is that the third respondent had sent a Constable Mr. Prasad to the petitioner's house, and later he sent Sri H.Someswara Rao, Home Guard. In the order, violation of which is alleged in the Contempt Case, this Court recorded the submission of the fourth respondent that they were not interfering with the civil disputes. The third respondent, against whom the present Contempt Case is filed, denies having sent either Mr. Prasad, Police Constable or H.Someswara Rao, Home Guard. Even if, as is now contended before us by Sri Kowturu Vinaya Kumar, learned counsel for the petitioner, there is some recorded evidence to show that Mr.Prasad and Mr.H.Someswara Rao had visited the petitioner's premises, there is no material to show that third respondent had directed them to go over to the petitioner's place directing the petitioner to appear before him at the Police Station. It is not even the petitioner's case that, pursuant to any such directions by the third respondent, he had gone to the Police Station.

The proceedings, under the Contempt of Courts Act, 1971, are quasi-criminal in nature; and where contempt is not established beyond reasonable doubt, their Court would not be justified in initiating proceedings under the said Act against the respondents herein. In the

absence of material to show that the third respondent has violated the order of this Court, I see no reason to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed.

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(RAMESH RANGANATHAN, J)

19th February 2016

RRB