

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Cont.P.No.140 of 2017

K.Ravishankar

.. Petitioner

Vs

1. Mr.Balu

Inspector of Police
B-3, Kandampathur Police Station incharge
& B2 Taluk Police Station
Thiruvallur, Thiruvallur District

.. Respondent

Petition filed under Section 11 of the Contempt of Courts Act to initiate the contempt of court proceedings to punish the respondent for his willful disobedience of the order passed by this Hon'ble Court passed in Crl.O.P.No.16579 of 2016 dated 8.8.2016.

For Petitioner : Mr.A.Punithavanan

For Respondent : Mr.C.Emalias, Addl.Public Prosecutor

ORDER

The case of the petitioner is that his father Kalathi had borrowed money from Mani and Pasuron and that they started to demand exorbitant interest from his father, even after his father had completely discharged the loan. Therefore, the petitioner's father attempted to commit suicide, but was saved from death. His father was initially taken to Government hospital, Thiruvellore and admitted there. Even at the time of admission, he did not tell the Doctor as to the reason for

consuming poison. It appears that from Government Hospital, Thiruvellore, he was sent to Rajiv Gandhi Government General Hospital, Chennai, where he was treated and discharged. After his discharge, the petitioner herein gave a complaint dated 23.7.2016 to the respondent police alleging that his father had attempted to commit suicide on 21.7.2016, on account of harassment by Mani and Pasuron. Since no action was taken on his complaint dated 23.7.2016, K.Ravi Shankar filed CrI.O.P.No.16579 of 2016.

2. In CrI.O.P.No.16579 of 2016, this Court passed the following order on 8.8.2016:

"6. This Court is not satisfied with the enquiry conducted by the Sub Inspector of Police, B-3, Kadambathu Police Station and therefore, the closure report is set aside and the Inspector of Police, B-3, Kadambathur Police Station is directed to conduct fresh enquiry and find out that if Mani and Pasuron had charged exorbitant interest as alleged by Kalathy. After conducting enquiry, it is open to the Inspector of Police, B-3 Police Station, Kadambathur Police Station, either register an FIR and take action in accordance with law or close the case, with due intimation to the petitioner."

3. This Contempt Petition has been filed by Ravishankar, alleging that Inspector of Police, Kadambathur Police Station has not complied with the order dated 8.8.2016 passed by this

4. Today, Mr.Balu, Inspector of Police, Thiruvallur Taluk Circle, Thiruvallur District is present before this Court.

5. Mr.S.Emalius, learned Additional Public Prosecutor, on instructions, submitted that C.S.R.No.148/2016 was reopened and the Inspector of Police conducted enquiry and examined Mani, Pasuron, Kalathy and the petitioner herein and thereafter, has closed the case on 5.2.2017.

6. The learned counsel for the petitioner submitted that in the guise of enquiry, the Inspector of Police threatened the petitioner and his father Kalathy to give a statement and that the transaction has been recorded by them in their mobile phone. Therefore, he submitted that the enquiry was perfunctory.

7. While dealing with Contempt Petition, this Court cannot go into the details of the enquiry conducted by the police and what should be seen is whether the police have complied with the order dated 8.8.2016 passed by this Court.

8. On a perusal of the case file, it is seen that Mr.Balu, Inspector of Police has himself conducted the enquiry and Kalathy and Ravishankar appeared before him and have given statements in their own handwriting. Mani and Pasuron have also given their statements, wherein they have stated that there is money due to them from Kalathy and they had not harassed Kalathy and that they will pursue their remedies before the Civil Court.

9. Under the said circumstances, there is no willful disobedience of the order dated 8.8.2016 passed by this court, warranting issuance of statutory notice to the respondent. That apart, this Court does not have jurisdiction to direct the police to investigate the case in a particular manner. If the petitioner is not satisfied with the enquiry conducted by the police, it is always open to him to work out the remedies in a manner known to law.

10. In the result, the Contempt Petition is closed.

Sd/-
JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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To

1. Mr.Balu
Inspector of Police
B-3, Kandampathur Police Station incharge
& B2 Taluk Police Station
Thiruvallur, Thiruvallur District

One CC to Mr.A.Punithavanan, Advocate, Sr.No.2126/17