

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07..04..2017

Coram

The Honourable Mr.JUSTICE S.NAGAMUTHU

Contempt Petition No.1481 of 2014

Dr.C.A.Mohamed Abdul Huq

... Petitioner

-Versus-

State Rep. by
Mr.Ramesh Babu,
Deputy Superintendent of Police,
Kanchipuram Range,
Collector Office,
Kanchipuram 631502.

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent for having willfully disobeyed the order of this court dated 26.08.2013 made in CrI.R.C.No.370 of 2013.

For Petitioner : Dr.A.E.Chelliah,
Senior Counsel for
Mr.C.Saifullah

For Respondent : Mr.R.Rajarathinam,
State Public Prosecutor

ORDER

Seeking to punish the respondent for the alleged disobedience of the order of this court dated 26.08.2013 made in Crl.R.C.No.370 of 2013, the petitioner has come forward with this contempt petition.

2. This contempt petition has been filed by the petitioner alleging that the order of this court dated 26.08.2003 made in Crl.R.C.No.370 of 2013 was not complied with by the respondent herein. In the operative portion of the order in page 13 in the criminal revision petition as follows:

"13. In the result, this Criminal Revision Case is allowed in the following terms:-

i. The impugned order of the learned District Munsif cum Judicial Magistrate, Sriperumbudur, dated 08.03.2013 is hereby set aside.

ii. The final report filed by Mr.N.Ramados, the Inspector of Police, District Crime Branch, Kancheepuram Range, dated 12.11.2012, is also set aside and the investigation in Crime No.30 of

2012 is transferred to Mr.Ramesh Babu, Deputy Superintendent of Police, District Crime Branch, Kancheepuram Range, for further investigation.

iii. While doing the investigation, the investigating officer shall objectively and unbiasedly conduct investigation including the allegation made in the complaint dated 25.05.2011 and file a fresh final report before the lower court within a period of four months from the date of receipt of a copy of this order.

iv. It is made clear that any of the observations made in this order shall not influence the mind of the investigating officer, because, all these observations are made only for the purpose of disposing of this criminal revision case."

3. Now, the learned Additional Public Prosecutor has filed a counter of Mr.H.Ramesh Babu, Assistant Commissioner of Police, Modern Control Room, Chennai City, wherein, he has stated that, as directed by this court in the earlier order, the matter was investigated thoroughly and a charge sheet was also laid against three persons before the learned District Munsif cum Judicial Magistrate, Sriperumbudur and the learned Magistrate, has also taken

cognizance of the offences under Sections 420 r/w 34 of IPC. The case is now pending for trial before the learned Magistrate in C.C.No.220 of 2016. The next date of hearing of the case is on 08.05.2017. Thus, according to the counter, the order has been fully and sincerely complied with.

4. The learned senior counsel for the petitioner has filed a memo, wherein, he has stated that the FIR in Crime No.30 of 2012 which was investigated by the then Inspector of Police, District Crime Branch, namely Mr.N.Ramadas has been filed as a document along with the police report presently filed by the Assistant Commissioner of Police. He further submitted that the said FIR was set aside by this court and therefore, the same cannot be form part of the final report now filed. Therefore, according to the learned senior counsel, necessary direction is to be issued to the investigating officer to file a corrected FIR in Crime No.30 of 2012 so as to include Mr.P.Suresh Kumar as accused .

5. I have considered the above submissions carefully.

6. So far as the case in Crime No.30 of 2012 is concerned, charge sheet has been filed in the said case. Under such circumstances, there can not be a fresh FIR filed in support of the very same occurrence. If the petitioner has got any grievance in the investigation, it is open for the petitioner to approach the trial court seeking appropriate relief. Since I am convinced that the order in the revision petition has been complied with, I do not find any reason to keep this contempt petition pending.

7. In the result, the contempt petition is closed. Considering the fact that the matter is pending for a long time and considering the request of the learned senior counsel, the learned District Munsif cum Judicial Magistrate, Sriperumbudur, is directed to complete the trial as expeditiously as possible.

07..04..2017

kmk

To

- 1.The Deputy Superintendent of Police,Kanchipuram Range,
Collector Office,Kanchipuram 631502.

S.NAGAMUTHU.J.,

kmk

Contempt Petition
No.1481 of 2014

07..04..2017

<http://www.judis.nic.in>