

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Contempt Petition No.1657 of 2017

in

Crl.O.P.No.12424 of 2016

M.Prakash Raj

...Petitioner

Vs.

P.Anbarasi
Inspector of Police,
All Women Police Station,
Mamallapuram,
Kancheepuram District.

...Respondent

Contempt petition filed under section 11 of Contempt of Courts Act, praying to punish the respondent for willfully and deliberately violating the order and disobeying the order of this Hon'ble High Court dated 29.06.2016 in Crl.O.P.No.12424 of 2016.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.C.Emalias
Public Prosecutor(incharge)
Assisted by
Mr.Muthukumaran
Government Advocate (Crl.side)

O R D E R

The petitioner has come forward with this petition

praying to punish the respondent for his wilful

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disobedience of the order of this Hon'ble High Court dated

29.06.2016 in CrI.O.P.No.12424 of 2016.

2. According to the petitioner, there is a disobedience of this Court's order dated 29.06.2016, wherein this Court has already directed the parties to appear before the Institute of Mental Health, Kilpauk and by giving and go by to the order, the Police Authorities have taken the parties to the doctor of their choice i.e., Government Medical College and Hospital, Kilpauk and obtained a report and that both the reports are contrary to each other. So, the respondent has completely neglected the order of this Court dated 29.06.2016 and it amounts to wilful disobedience of this Hon'ble Court.

3. The public prosecutor appearing for the respondent would submit that a petition was filed before the Additional Mahila Court, Chengalpattu, and based on the order passed by the Mahila Court, the defacto complainant was permitted to appear for medical tests at Government Medical College and Hospital, Kilpauk, wherein doctors have opined that the wife of the petitioner is not having psychiatric illness. Whereas, the report from the Institute of Mental Health, Kilpauk, pursuant to the order of this Court states that she suffers from psychiatric illness.

According to the respondent, since there is an order of the Trial Court, the parties were taken to the hospital and

it is not their intention to disobey the orders of this Court.

4.Though, the charge sheet has been filed based on the report obtained from the Doctor, on the direction of the Mahila Court and that there is an order of this Court, the same may be considered by the Trial Court and appropriate decision may be taken by the said Mahila Court. If both parties agree and if necessity arises for a reference to obtain a 3rd medical report, the respondents herein had stated that they have no objection to get a 3rd medical report from medical experts. If the parties agree and necessity arises, they may request the Trial Court by filing a petition to refer the parties to appear before the Schizophrenia Research Foundation (India), R/7A, North Main Road, Anna Nagar West Extension, Chennai 600 101, Phone No.044-2615 1073 / 2615 3971.

5.I find that there is no wilful disobedience and that pursuant to the orders of this Court, the wife of the petitioner had been taken to a Doctor. That apart, taking note of that it is a family issue and serious allegation has been made that the wife is suffering from mental illness, the Trial Court is expected for speedy disposal of the case.

6.With the above observations, the Contempt petition stands closed and the contemptnor is discharged from the charges.

SD/-

ASSISTANT REGISTRAR (OS-I)

rm

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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KR/CO/21/12/2017

one cc to the Mr.K.Rajasekaran, Advocate, High Court, SR.No.13178/2017.

one cc to the Govt.Pleader, High Court, SR.No.13421/2017.

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