

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2017

CORAM:

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

Contempt Petition No.277 of 2017

Madesh

..Petitioner

v.

Mr.Senthil Kumar
Inspector of Police
District Crime Branch
Krishnagiri

..Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for wilful disobedience of the orders of this Court passed in Cr1.O.P.No.19039 of 2015 dated 29.07.2015.

For Petitioner : Mr. M.Ravi

For Respondent : Mr.C.Emalias, APP

O R D E R

Today, when the matter was taken up for hearing, Mr.R.Senthil, Inspector of Police, District Crime Branch, Krishnagiri District, is present.

2. Mr.C.Emalias, learned Additional Public Prosecutor, on instructions, submitted that in compliance with the order dated 29.07.2015 passed by this Court, the police conducted the enquiry and they have closed the case on 30.12.2015.

3. It is the case of the petitioner that his father Karappa and his Paternal Uncle Marappa, were owners of 87 cents of lands in Mathigiri Village, Hosur Taluk and that they executed a Power of Attorney vide Document No.35 of 1990 dated 09.04.1990 in favour of one Jayaraman. Whiles, Karappa, one of the Executants died on 30.04.1998 and thereafter, in the year 1999, Jayaraman, on the strength of the Power of Attorney, had executed a Settlement Deed in favour of his son. This, according to the petitioner is a criminal offence.

4. It is seen that Karappa and Marappa had given Power of Attorney to Jayaraman in the year 1990. Enquiry conducted by the Police reveals that Jayaraman was not aware about the death of Karappa and had innocently executed the Settlement Deed in the year 1999. Be that as it may, the conspectus of the facts obtaining in this case shows that Jayaraman was the power holder and he has been holding the Power of Attorney for eight long years. During that period, the Executants viz., Karappa and Marappa did not challenge or cancel the Power of Attorney, which means that they must have received the full consideration from Jayaraman and being honest and truthful they remained contented. Now, after the death of Karappa, the petitioner is trying to take undue advantage of Jayaraman's slip.

Hence, this Court does not find any criminality in the act of Jayaraman.

With the above observations, this Contempt Petition is closed.

Sd/-

JOINT REGISTRAR (OS)

rg

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

CO/05/04/2016

To
Mr.Senthil Kumar
Inspector of Police
District Crime Branch
Krishnagiri

One CC to Mr.M.Ravi, Advocate, Sr.No.3430

सत्यमेव जयते
WEB COPY