

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

Contempt Petition No.2687 of 2016

in

Contempt Petition No.2101 of 2014

in

Crl.O.P.No.22974 of 2013

V.Azhagamuthu ...Petitioner

Vs.

1.Ms.Lakshmi Radha
District Crime Branch,
Perambalur.

2.K.Periyannan,
Deputy Superintendent of Police,
Malaikottai Crime Branch,
Malaikottai Police Station,
Trichy District.

R2 impleaded as per order
dated 14.12.16 in

Sub.A.No.681 of 2016

...Respondents

This Contempt Petition is filed to punish the respondents under the provisions of Contempt of Courts Act for the willful disobedience of the order of this Court passed in Cont P.No.2101 of 2014 in Crl.O.P.No.22974 of 2013 dated 31.03.2016.

For Petitioner : Mr. V.Sivalingam
for M/s.C.S.Associates

For Respondents : Mr.K.Mathan
Government Advocate (Crl. Side)

ORDER

This second contempt petition has been initiated by

Azhagamuthu, who is petitioner in Crl.O.P.No.22974 of 2013.

2.Thiru K.Periyannan, the then Inspector of Police, District Crime Branch, Perambalur, now Assistant Commissioner of Police, Thilagarthidal Range, Madurai City Police present. Learned counsel for the petitioner and learned Government Advocate (Crl. Side) are present.

3.Heard the learned counsel and perused the records.

4.In Crl.O.P.No.22974 of 2013, on 19.09.2013, this Court directed the Inspector of Police, DCB, Perambalur to investigate Cr.No.26 of 2011 also prescribing certain time limit. Subsequently, the time has been extended. However, investigation was not completed. In the circumstances, Azhagamuthu filed Contempt Application No.2101 of 2014. Since Thiru.K.Periyannan, the then Inspector of Police, DCB, Perambalur submitted before the Court that negative final report has been filed, this Court gave him liberty to file protest petition before the concerned Magistrate's Court and closed the contempt petition. The Judicial Magistrate Court, Perambalur informed the petitioner that no final report has been filed and in the circumstance, Azhagamuthu filed the present Contempt petition.

5.On perusal of the case diary, it is seen that

has prepared the negative final report on 08.11.2014 and there is acknowledgment of R.C.S notice by Azhagamuthu.

6.As on date, no orders on the said final report has been passed by the Magistrate Court and the Protest petition of Azhagamuthu has not been received by the Magistrate. Instead of wasting further time in searching for the said final report, we issue the following directions:

i)As Thiru.K.Periyannan has been promoted as Deputy Superintendent of Police and he has been relieved from the post of Inspector of Police, DCB, Perambalur, the present Inspector of Police, namely, Tmt.Lakshmi Radha will file a copy of the final report dated 08.11.2014 before the learned Judicial Magistrate, Perambalur.

ii)On receipt of the said final report, the learned Judicial Magistrate, Perambalur shall pass orders according to law.

iii)In case, the learned Magistrate decided to issue notice to Azhagamuthu, on receipt of the notice, Azhagamuthu is at liberty to file a protest petition and the learned Magistrate will deal with that in accordance with law.

iv) Thiru K.Periyannan, now Assistant Commissioner, Thilagarthidal Range, Madurai City is relieved from this contempt petition.

7. Accordingly, this contempt petition is disposed of.
No costs.

DP

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SMI/CO/12/01/2017

To

- 1.The Judicial Magistrate Court,
Perambalur.
- 2.The Government Advocate,
High Court, Madras.
- 3.The Superintendent of Police,
Perambalur.
- 4.The Deputy Superintendent of Police,
DCB, Perambalur.
- 5.The Assistant Commissioner of Police,
Thilagarthidal Range,
Madurai City Police,
Madurai.
- 6.The Inspector of Police,
DCB, Perambalur.