

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont.P.No.791/2016 in CrI.OP.No.29768/2011

J.Feroshtheen .. Petitioner

Vs.

Mr.Sivakumar
Inspector of Police
Poraiyar Police Station
Nagapattinam District. .. Respondent

Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for having willfully and deliberately disobeyed the order of this Court dated 17.07.2013 passed in CrI.OP.No.29768/2011 according to law.

For Petitioner : No appearance
For Respondent : Mr.R.Rajarathinam
Public Prosecutor

ORDER

The learned counsel for the petitioner is absent.

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Mr.R.Rajarathinam, learned Public Prosecutor would submit that a common order dated 17.07.2013 came to be passed in CrI.OP.No.23062/2011 etc., batch and one among the cases is CrI.OP.No.29768/2011 filed by the petitioner herein, praying for registration of the First Information Report and other consequential proceedings and as per the said common order, this Court, expressed the view that if the contents of the complaint disclose commission of

should be investigated in accordance with law and the Final Report should be filed as expeditiously as possible and in the event of the concerned Station House Officer fail to discharge his statutory duty, it is always open to the petitioners/complainants to invoke section 154[3] or 156[3] Cr.P.C., to work out their further remedy in accordance with law and even prior to the passing of the order, an enquiry was conducted, wherein both parties were summoned and the petitioner expressed that he is not interested in pursuing the matter and therefore, the complaint was closed.

3 It is the further submission of the learned Public Prosecutor that the order copy was made ready on 30.09.2013 and was delivered on 01.10.2013 and in all fairness, the respondent should have communicated about the result of the enquiry to the complainant/petitioner and on account of work pressure, the earlier three Station House Officers did not do so and prays for condonation of lapses on their part by submitting that it is neither construed as willful nor wanton and would further add that necessary communication will be sent to the defacto complainant / petitioner herein.

4 This Court has considered the submissions of the learned Public Prosecutor and also perused the materials placed before it.

5 Though it the stand of the respondent that in the enquiry conducted on 17.12.2011, the petitioner was not inclined to proceed further in terms of his complaint, the fact remains that passing of the common order dated 17.12.2013 by this Court in Cr.OP.Np.23062/2011 etc., batch, was also brought to the knowledge of the petitioner by means of a communication dated 19.10.2013, the respondent ought to have taken appropriate steps to communicate the result of the enquiry. But the said official has failed to do so. It is brought to the knowledge of this Court by the learned Public Prosecutor that after passing of the common order, three Station House Officers took charge and they were transferred and they are also in service and undertake to communicate the result of the enquiry to the petitioner / defacto complainant as expeditiously as possible.

6 This Court, taking into consideration the above facts and circumstances, is of the view that for the purpose of condoning the delay in communicating the result of the enquiry, the three Station House Officers, who were formerly working as the Inspectors of Police at Poraiyar Police Station, viz., Mr.Sivakumar, the respondent herein [presently working as the Inspector of Police, Prohibition Enforcement Wing, Krishnagiri District] ; Mr.K.Subramaniam [presently working as the Inspector of Police, Paravakottai

Police Station, Thanjavur District] ; and Mr.V.Senthilkumar [presently working as the Inspector of Police, Thiruchitrambalam Police Station, Pudukottai Sub Division, Thanjavur District], have to be put on terms. It is made clear that the payment of cost shall not be construed as a stigma in their service career.

7 In the result, the contempt petition is closed, subject to the condition that Mr.Sivakumar, Mr.K.Subramaniam and Mr.V.Senthilkumar, shall deposit a sum of Rs.2000/- [Rupees Two Thousand only] each in favour of **The Registrar [Administration], Madurai Bench of Madras High Court, Madurai, Account No.6514082295, [IFSC Code No.IDIB000H040], Indian Bank, High Court Branch, Madurai,** on or before **06.06.2017.**

8 Call on 08.06.2017 for reporting compliance.

SD/-
JOINT REGISTRAR(OS)

//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.

To

Mr.Sivakumar
Inspector of Police
Poraiyar Police Station
Nagapattinam District.
[presently working as the Inspector of Police
Prohibition Enforcement Wing,
Krishnagiri District.]

Copy to:-

- 1.The Registrar (Admn.,)
Madurai Bench of Madras High Court,
Madurai.
- 2.The Commissioner of Police,
Vepery, Chennai-7.(to inform the Officials Concerned)
3. Mr.K.Subramaniam
presently working as the Inspector of Police,
Paravakottai Police Station, Thanjavur District.
[formerly working as the Inspector of Police
Poraiyar Police Station, Nagapattinam District.]
4. Mr.V.Senthilkumar
presently working as the Inspector of Police,
Thiruchitrambalam Police Station,
Pudukottai Sub Division, Thanjavur District.
[formerly working as the Inspector of Police
Poraiyar Police Station, Nagapattinam District.]

सत्यमेव जयते

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