



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASHContempt Petition (MD) No.1319 of 2016
in Crl.O.P.(MD) No.3497 of 2015

G.N.K.Ramesh Babu

... Petitioner/Petitioner

-vs-

Thiru Sethumanimadhavan,
The Inspector of Police,
Theppakulam Police Station,
Theppakulam, Madurai-625 009.

... Respondent/Respondent

Prayer: This contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 praying to issue notice of contempt to the respondents herein for his wilful disobedience of the order of this Hon'ble Court in Crl.O.P.(MD)No.3497 of 2015 dated 17.03.2015.

Prayer in CRL OP(MD). 3497/ 2015 :

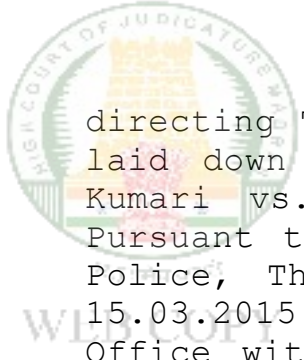
To directing the 2nd respondent herein to register FIR on the complaint given by the petitioner dated 02.02.2105 and directing the 1st respondent herein to investigate the same and to further follow-up-action and in accordance with law.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondent : Mr.A.P.Balasubramani,
Govt. Advocate (Crl.Side)**O R D E R**

This contempt petition has been filed for punishing the respondent for the deliberate and wilful disobedience of the order dated 17.03.2015 in Crl.O.P.(MD)No.3497 of 2015.

2. It is the case of the petitioner that he is the owner of Plot Nos.23, 22 and 35 in Sakkimangalam Village, Madurai District in S.No.296/3B5 in Patta No.685 and that someone had impersonated the petitioner and sole the said property to one Periyasamy by way of deed of sale dated 17.04.2013 registered as Doc.No.1662/2013 in SRO, Theppakulam. On coming to know of this, the petitioner gave a complaint dated 02.02.2015 to the Inspector of Police, Theppakulam Police Station and since no action was taken, he had filed Crl.O.P.(MD) No.3497 of 2015 for a direction to the respondent police to register an FIR on his complaint. This Court passed final orders in Crl.O.P.(MD) No.3497 of 2015 on 17.03.2015,



directing Theppakulam Police to take action in accordance with law laid down by the Hon'ble Supreme Court in the case of Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC). Pursuant to the direction issued by this Court, the Inspector of Police, Theppakulam Police Station issued a communication dated 15.03.2015 to the petitioner stating that there is no Registrar Office within the jurisdiction of Theppakulam Police Station and therefore, he does not have territorial jurisdiction to investigate the case and advised the petitioner to approach the concerned jurisdictional Police. Aggrieved by the same, the petitioner has filed the present contempt petition.

3. Learned counsel for the petitioner produced a copy of the sale deed in Doc.No.1662 of 2013 registered in SRO, Theppakulam on 17.04.2013 and submitted that the petitioner had not executed the said document and that someone had impersonated the petitioner and executed the document.

4. Per contra, learned Government Advocate (Crl.Side) refuted the contention.

5. This Court gave its anxious consideration to the rival submissions.

6. At the outset, this Court is of the view that there is no cause of action for issuance of statutory notice to the Inspector of Police, Theppakulam Police Station in this contempt petition, because, the Inspector of Police has technically complied with the direction issued by this Court in Crl.O.P.(MD) No.3497 of 2015 by conducting some enquiry and sending the communication dated 15.03.2015 to the petitioner. That apart, this Court is of the view that in a case of this nature, the petitioner ought not to have approached the Inspector of Police, Theppakulam Police Station, because there is a specialized agency called District Crime Branch, Madurai Rural, which has been constituted to deal with such land grabbing cases.

7. It is seen that the allegation made by the petitioner is no doubt very serious and even requires a thorough investigation and therefore, this contempt petition is closed with liberty to the petitioner to file a complaint before the District Crime Branch, Madurai Rural and on such complaint being given, the District Crime Branch, Madurai Rural shall enquire into the matter and action be taken in accordance with law. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

1. Thiru Sethumanimadhavan,
The Inspector of Police,
Theppakulam Police Station,
Theppakulam, Madurai-625 009.

2. The Inspector of Police,
District Crime Branch,
Madurai Rural, Madurai.

+1 cc to Mr.R.Sundar Srinivasan, Advocate, SR.No. 50606

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