



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Contempt Petition (MD)No.1635 of 2016**

WEB COPY

S.Arvin Nisha

: Petitioner

-Vs-

Kaveriammal,
Inspector of Police,
District Crime Branch,
Dindigul.

: Respondent

PRAYER: Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to initiate action against the respondent under the Contempt of Courts Act for his willful disobedience of the order of this Court in Crl.O.P.(MD)No.3679 of 2016, dated 02.03.2016.

Prayer in CRL OP(MD). 3679/ 2016 :

To call for the records from the 1st respondent in Crime No. 70 of 2015 and the quash the same.

For Petitioner

: Mr.A.Shajahan

For Respondent

: Mr.A.P.Balasubramani,

Government Advocate (Crl.side)

O R D E R

On the complaint lodged by Arvin Nisha, the respondent police registered a case in Crime No.70 of 2015 for offences under Sections 406, 420, 120-B and 506(i) of the Indian Penal Code against Mohammed Kalibullah and two others. The said Mohammed Kalibullah and two others have filed Crl.O.P.(MD)No.3679 of 2016 for quashing the First Information Report in Crime No.70 of 2015. In Crl.O.P.(MD)No.3679 of 2016, this Court passed the following order:

"2. When the matter was taken up for hearing, it is submitted by the learned counsel for the petitioners that the de-facto complainant is none other than the sister and that she had given a release deed in respect of the property way back in the year 1989, i.e., on 02.03.1989 and thereafter she has engineered this complaint nearly after 10 years. Under such circumstances, this Court directs the petitioners to



submit those documents to the respondent police during investigation. If the contention of the petitioners is correct, it is needless to say that the respondent police shall close the FIR as 'action dropped'.

3. The Criminal Original Petition is disposed of with the above direction. Consequently connected Miscellaneous Petition in Crl.M.P.No.1857 of 2016 is closed."

2. Pursuant to the order passed by this Court, it is stated that the police completed the investigation in Crime No.70 of 2015 and have filed a closure report closing the case as 'action dropped'. Aggrieved by the closure report, Arvin Nisha is before this Court with this Contempt Petition alleging that the police have not properly complied with the directions issued by this Court in Crl.O.P.(MD)No.3679 of 2016.

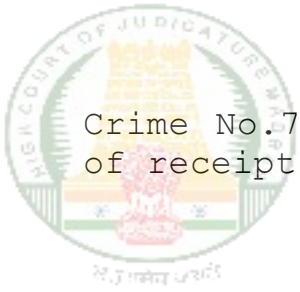
3. Heard Mr.A.Shajahan, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) for the respondent.

4. Today, Mrs.P.Vijaya Lakshmi, Sub-Inspector of Police, District Crime Branch, Dindigul, is present in Court.

5. In the considered opinion of this Court, in Crl.O.P.(MD) No.3679 of 2016, this Court had not issued any specific directions to the police as to how they should investigate the case in Crime No.70 of 2015. This Court had only recorded the submission of the accused that Arvin Nisha, their sister, has lodged the complaint ten years after she had executed a release deed on 02.03.1989. It is the contention of the learned counsel for Arvin Nisha that the police have not examined the release deed.

6. Per contra, the closure report of the police discloses that there is no illegality in the release deed dated 02.03.1989 that was executed by Arvin Nisha. When the police have come to such an opinion, it is not open to this Court to initiate contempt action against them and direct them to come to a different opinion that is suitable to Arvin Nisha. This Court cannot direct the police to conduct investigation in a particular manner. If Arvin Nisha is aggrieved over the closure report, it is always open to her to file a protest application before the concerned Magistrate challenging the same.

7. In fine, Arvin Nisha has not made out any case for issuance of statutory notice under the Contempt of Courts Act and accordingly, the Contempt Petition is closed with liberty to Arvin Nisha to approach the learned Judicial Magistrate No.2, Dindigul and file a protest application challenging the closure report in



Crime No.70 of 2015, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (Writs)

/True copy/

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Sub Assistant Registrar

To

1.The Judicial Magistrate No.2,
Dindigul.

2.-do- thro' The Chief Judicial Magistrate,
Dindigul.

3.Mrs.Kaveriammal,
Inspector of Police,
District Crime Branch,
Dindigul.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.Shajahan , Advocate, SR No. 17539

SML

PSM/SV-MMS/SAR3/06.04.2017/3P/6C

Order made in
CONT.P.(MD)No.1635 of 2016
Dated: 22.03.2017