



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Contempt Petition (MD) No.1641 of 2016
in CrI.O.P.(MD) No.16207 of 2014

K.Nagarajan

... Petitioner/Petitioner

-vs-

1. Mr.Venkata Raman
The Deputy Superintendent of Police,
Colaichal Sub-Division,
Kanniyakumari District.

2. Mr.Hariharan
The Inspector of Police,
Eraniyal Police Station,
Kanniyakumari District.

... Respondents/Respondents

Prayer: This contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 praying to punish the respondents for the wilful disobedience of the order dated 14.10.2014 passed in CrI.O.P.(MD) No.16207 of 2014 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Prayer in CrI.OP(MD)No.16207 /2014:-

To direct the respondents particularly the second respondent to commence or complete the investigation in Crime No.843 of 2012 on his file and to file a final report as contemplated under Section 174 of Cr.P.C. within a time that may be specified by this Honourable Court.

For Petitioner : Mr.K.Nagarajan
Party-in-Person
For Respondents : Mr.K.Anbarasan
Govt. Advocate (CrI.Side)

O R D E R

This contempt petition has been filed for punishing the respondent herein for committing contempt and wilful disobedience of the order passed by this Hon'ble Court in CrI.O.P.(MD) No.16207 of 2014 dated 14.10.2014.



3. It is seen that on the complaint given by the petitioner, a case in Eraniyal Police Station Crime No.843 of 2012 was registered on 23.11.2012 under Sections 147, 323 and 506(ii) IPC and Section 4 of TNPHW Act against one Krishna Pillai and four others. The police conducted investigation in Crime No.843 of 2012 and the same was closed as Mistake of Fact on 24.11.2012. The closure report was sent to the Judicial Magistrate, Eraniel and it was numbered as RCS No.38 of 2012. The RCS notice was also served on the petitioner, who appeared before the learned Judicial Magistrate, Eraniel and filed a protest application on 21.02.2013. Suppressing all these, the petitioner has filed Crl.O.P.(MD) No.16207 of 2014 under Section 482 Cr.P.C. for a direction to the respondent police to complete the investigation in Crime No.843 of 2012 and file a final report within a specified time. This Court passed the following order in Crl.O.P.(MD) No.16207 of 2014 on 14.10.2014:

"3. Taking into consideration the facts and circumstances of the case, the respective respondent police are directed to expedite the investigation and file a final report as expeditiously as possible."

4. Thereafter, the petitioner has filed the present contempt petition, alleging that the respondent police have not complied with the direction issued by this Court in Crl.O.P.(MD) No.16207 of 2014.

5. Mr.M.Suthesan, Inspector of Police, Eraniel Police Station has filed a counter affidavit, wherein in Paragraph No.5, he has stated as follows:

"5. It is submitted that the complaint of the petitioner dated 08.10.2011 was enquired into and the contents were found to be false the said petition dated 08.10.2011 was entertained as C.S.R.No.705/2011 and a case in Eraniel Police Station Crime No.843/2012, U/s.147,323,506(ii) IPC & 4 of Tamilnadu Women Harassment Act 2002 was registered on 23.11.2012 at 16.00 hrs. This case was registered on the orders of the then Deputy Superintendent of Police, Colachel Sub-Division. After thorough investigation, the allegations shown in the complaint were found to be false and so it was treated as mistake of fact on 24.11.2012. Final report was sent to the Court of Judicial Magistrate, Eraniel, Kanyakumari District in R.C.S.No.38/2012."

6. Thus, from the above, it is clear that the investigation in Crime No.843/2012 was closed as early as 24.11.2012 as Mistake of Fact and the RCS notice in RCS No.38 of 2012 has also been served on the petitioner as could be seen from the objection that has been filed by the petitioner on 21.02.2013. Without disclosing this, the petitioner has filed Crl.O.P.(MD) No.16207 of 2014 and has obtained an order as if the investigation in Crime No.843 of



2012 is still pending. Hence, this contempt petition is devoid of merits and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. Mr.Venkata Raman
The Deputy Superintendent of Police,
Colaichal Sub-Division,
Kanniyakumari District.
2. Mr.Hariharan
The Inspector of Police,
Eraniyal Police Station,
Kanniyakumari District.

ar

RL/3C/3P/KP/SAR1/12/7/2017

Contempt Petition (MD) No.1641 of 2016
in CrI.O.P.(MD) No.16207 of 2014

29.06.2017