



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2017

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

Contempt Petition (MD) No.63 of 2016
in Crl.O.P.(MD) No.3238 of 2015

M.Divya Bharathi

... Petitioner/Petitioner

-vs-

Mr.Pugalenth
The Inspector of Police,
Karuppayurani Police Station,
Karuppayurani, Madurai.
(in Crime No.529 of 2014)

... Contemnor/3rd Respondent

Prayer: This contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 praying to initiate contempt proceedings against the respondent/contemnor and punish for the wilful disobedience of the order dated 02.03.2015 made in Crl.O.P. (MD) No.3238 of 2015.

Prayer in CRL OP(MD). 3238/ 2015 :

To direct the respondent No.3 to file the final report in Cr.No.529 of 2014 dated 03.11.2014 and proceed with the same as per law.

For Petitioner : Mr.R.Venkatesan
For Respondent : Mr.K.Anbarasan
Govt. Advocate (Crl.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 Crl.O.P.(MD) No.3238 of 2015 dated 02.03.2015.

2. On the complaint given by the petitioner, the Inspector of Police, Karuppayurani Police Station registered a case in Crime No.529 of 2014 under Sections 323, 342, 448, 379(NP) and 506(i) IPC and Section 4 of TNPWH Act and Section 3 (1)(r) and 3(1)(s) of SC/ST Amendment Ordinance Act. During the pendency of investigation, the Superintendent of Police, by order dated 02.03.2015, transferred the investigation of the case in Crime No.529 of 2014 from the file of Karuppayurani Police Station to the file of District Crime Branch and accordingly, case files were



transferred to the file of District Crime Branch. Thereafter, the petitioner filed Crl.O.P.(MD) No.3238 of 2015 arraying the Superintendent of Police, Deputy Superintendent of Police and the Inspector of Police, Karuppayurani Police Station as early as 25.11.2014. Therefore, this Court by order dated 02.03.2015 directed the Inspector of Police, Karuppayurani Police Station to complete the investigation in Crime No.529 of 2014 within one month from the date of receipt of a copy of the order. However, Mr.Venkatesan, learned counsel for the petitioner issued a pre-contempt notice dated 11.01.2016 to the Inspector of Police, Karuppayurani Police Station, alleging that he had failed to comply with the order dated 02.03.2015. On receipt of the notice, Mr.Pugalenth, the Inspector of Police, who joined the Station on 07.11.2015 conducted an enquiry in the Police Station and learnt that the case in Crime No.529 of 2014 was transferred to the District Crime Branch on the orders of the Superintendent of Police as early as 29.11.2014. Therefore, Mr.Pugalenth, Inspector of Police sent a reply letter dated 18.11.2016 to Mr.Venkatesan, Advocate stating these facts.

3. Today, Mr.Pugalenth, Inspector of Police, Karuppayurani Police Station is present and has filed an affidavit, wherein in Paragraph Nos.4 & 5, it is stated as follows:

"4. It is most respectfully submitted that on 07.11.2015 only I was joined as Inspector of Police, Silaiman Circle consisting Karuppayurani Police Station and on perusal of the records I came to know about this case. Further the criminal original petition No.3238/2015 filed by the petitioner herein was ordered on 02.03.2015.

5. It is further most respectfully submitted that one Thiru.Venkatesan, who is the advocate of the petitioner herein, sent the contempt notice to me in connection with the execution of the order made in Crl.O.P.No.3238/2015 by this Hon'ble Court. On receipt of the contempt notice, immediately enquired about the case in Cr.No.529/2014 and came to know that the case was registered under Section 323, 342, 448, 506(i) IPC & 4 of Tamil Nadu Women Harassment Act r/w 3(1)(r) and 3(1)(s) SC/ST Amendment Ordinance Act and the case was initially investigated by the Deputy Superintendent of Police, Oomatchikulam Sub Division, and subsequently as per the orders of the Superintendent of Police, Madurai District in C.No.962/C/SP-MD/2014, Dated 25.11.2014, the investigation of the case was transferred to the Deputy Superintendent of Police, District Crime Branch on 29.11.2014. Further the Deputy Superintendent of Police, District Crime Branch made the sincere efforts to complete the investigation of the case."



4. Accepting the explanation given by the alleged Contemnor, this Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

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Sub Assistant Registrar.

To:

Mr.Pugalenth
The Inspector of Police,
Karuppayurani Police Station,
Karuppayurani, Madurai.

Copy to:

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

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AM/MR/SAR 1/16.06.2017/3P/3C