

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.1884 of 2015

S.Arputharaj
S/o.N.Samuvel ... Petitioner

Versus

1.Mr.Selvin Santhakumar
Inspector of Police,
H-6, R.K.Nagar Crime Branch,
Chennai - 600 021.
2.Mr.Deivasigamani
The Assistant Commissioner of Police,
Thadaiyarpet Wing,
Wannarpet (now Washermenpet),
Chennai ... Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondent for willful
disobedience of the order of this Court passed in
Crl.O.P.No.21247 of 2014 dated 12.08.2014.

For Petitioner : Mr.V.Manoharan

For Respondents: Mr.R.Ravichandran
Government Advocate [Crl.side]

O R D E R

The present Contempt Petition has been filed alleging
non-compliance of the order passed in Crl.O.P.No.21247 of

2014 dated 12.08.2014.

2. It is represented that the case, after investigation, has culminated in referred charge sheet closing the same as 'mistake of fact' and the same has been filed on the file of learned XV Metropolitan Magistrate, George Town, Chennai-600001. The petitioner has also received the protest notice.

3. Learned counsel for the petitioner, by drawing the attention of this Court to the status report of the respondents, would vehemently contend that despite the identification of the accused, for the reasons best known to the investigating officer, a negative report has been filed and prays for further/re-investigation.

4. Mr.R.Ravichandran, learned Government Advocate [Crl.side], appearing for the respondents, would submit that since the case has been closed as 'mistake of fact', the petitioner is having an effective alternate remedy by filing a protest petition, which may be considered by the jurisdictional Court in accordance with law.

5. This Court has considered the rival submissions and perused the materials on record.

6. A perusal of the order, which is the subject matter of contempt, would disclose that there is no positive order directing the police to conduct investigation in a

particular way and file a final report. According to the status report, the case, after due investigation, has resulted in filing referred charge sheet closing the same as 'mistake of fact'. In the considered opinion of this Court, as against the referred charge sheet, the petitioner is having an effective alternate remedy to file a protest petition and in such view of the matter, this Court is of the view that no contempt has been made out. However, the petitioner is at liberty to pursue his remedy as against the referred charge sheet closing the case as 'mistake of fact' before the learned XV Metropolitan Magistrate, George Town, Chennai - 600001, who, on receipt of the protest petition, shall consider and dispose of the same on merits and in accordance with law as expeditiously as possible.

The Contempt Petition is closed with the above observation.

सत्यमेव जयते SD/-

ASSISTANT REGISTRAR (COMM.CASES)

GM

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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CO/05/10/2018

To

1.Mr.Selvin Santhakumar
Inspector of Police,
H-6, R.K.Nagar Crime Branch,
Chennai - 600 021.

2.Mr.Deivasigamani
The Assistant Commissioner of Police,
Thadaiyarpet Wing,
Wannarpet (now Washermenpet),
Chennai.

3.The XV Metropolitan Magistrate,
George Town, Chennai - 600001.

One cc to Mr.V.Manoharan, Advocate, Sr.No.11176



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