

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.1674 of 2018

Manoharan

.. Petitioner

Vs.

Kulasekaran
Inspector of Police
District Crime Branch
Kancheepuram.

.. Respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the respondent herein for the willful and deliberate disobedience of the orders of this Court dated 04/06/2013 in CrI.OP.NO.11486/2013.

For Petitioner : Mr.J.Milton Arul Ranandran
For Respondent : Ms.T.P.Savitha
Government Advocate (CrI. Side)

ORDER

One A.Kalidurai, apprehending arrest in respect of the complaint given by the petitioner herein, filed CrI.OP.No.11486/2013 under Section 438 Cr.P.C. praying for Anticipatory Bail and vide order dated 04.06.2018, this Court directed the respondent, namely, the Inspector of Police, District Crime Branch, Kanchipuram District, to complete the enquiry within a period of eight weeks from the date of order and in the interregnum, a petition seeking

"not to arrest" was filed by A.Kalidurai. The petitioner alleging violation of the said order by the respondent, has come forward to file this contempt petition.

2. The respondent has filed the counter affidavit and would submit that in respect of the complaint lodged by the petitioner against A.Kalidurai, the matter was enquired into and on 28.10.2013, it was closed as civil in nature and subsequently, the petitioner herein has given another complaint against the said Kalidurai, which was registered as a case in Crime No.55 of 2014 on the file of C4 Somangalam Police Station, for commission of offences under Section 406 and 420 IPC, and after investigation by the Investigating Officer, it was referred as "mistake of facts" and a final report was filed before the jurisdictional Court viz., District Munsif Cum Judicial Magistrate Court, Sriperumbudur on 01.7.2016. Thereafter, the petitioner lodged another complaint, based on which, a case in Crime No.207/2014 came to be registered on 31.01.2013, and on culmination of investigation, charge sheet was also filed before the jurisdictional Magistrate Court and the trial of the case is still pending. The said official would further aver that the petitioner had belatedly approached this Court, and he added that, in pursuant to the directions of the concerned official of District Police, Kancheepuram, the records of certain years till '2013 were ordered to be

destroyed, vide their official proceedings No.192/2017 dated 06.04.2017, which includes the case details sought by the petitioner, as the case of the petitioner was closed as early as 28.10.2013 itself.

3. This Court has carefully considered and also perused the materials placed before it. It is relevant to extract the order dated 04.6.2013 in CrI.OP.No.11486 of 2013:

"The learned Government Advocate (CrI.Side) on instructions submits that only a petition enquiry in Petition No.15320 of 2013 is pending in the matter.

2. Considering the nature of allegation coupled with the fact that only a petition enquiry is pending in the matter, the petitioner is directed to appear before the respondent police for further enquiry. The respondent police is directed to complete the enquiry within a period of eight weeks from today. In the mean time, the respondent police is directed to not to arrest the petitioner.

3. With the above direction, the petition is disposed of."

In the said order, this Court merely directs the respondent to conduct an enquiry based on the petition, based on which, the petitioner therein namely Kalidurai, apprehends arrest and detention, and as per the counter affidavit of the respondent, the complaint given by the petitioner was enquired into and it was closed as "civil in nature" as

<https://hcservices.ecourts.gov.in/hcservices/> early as 28.10.2013. It appears that the petitioner had subsequently lodged two more complaints and the same was

taken on file as Cr.No.55/2014 and Cr.No.207/2014 respectively, that the case in Cr.No.55/2014 was referred as "mistake of facts" and final report was filed, whereas in respect of the case in Cr.No.207/2014, a positive final report has been filed.

4. In the considered opinion of this Court and in the absence of any positive directions in favour of the petitioner, there cannot be any contempt action to be taken against the respondent. Therefore, this contempt petition is closed and the petitioner if so advised, and if it is permissible under law, is at liberty to approach the Competent Authority to work out his remedy.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ds

//Certified to be true copy//

Dated at Madras this the day of 2019.

WEB COPY

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Ps/23/01/2019