

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

Contempt Petition No.3221 of 2014

V.Balasubramaniam ... Petitioner

-vs-

Mr.Sundarraaj,
Assistant Commissioner of Police,
Central Crime Branch,
Veppery,
Chennai. ... Respondent

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for willful and deliberate disobeying the order dated 05.06.2014, passed in Crl.O.P.No.4997 of 2014 by this Court.

For Petitioner : Mr.R.Sankarasubbu
for Mr.V.Devendhiran

For Respondent : Ms.Kritika kamal, GA(Crl. side)

WEB COPY

ORDER

Heard Mr.R.Sankarasubbu, for Mr.V.Devendhiran,
learned counsel for the petitioner and Ms.Kritika Kamal
(Crl.Side), learned Government Advocate (Crl.) for the
respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 2. This contempt petition was filed alleging
willful disobedience of the order passed by this Court in

CrI.O.P.No.4997 of 2014, dated 05.06.2014. The operative portion of the order reads as follows:-

"5. In the light of the above submission, since the property is said to have been purchased by a person, who is the wife of the local inspector, it would be in fitness of things, the matter be enquired by the Assistant Commissioner of Police.

6. Hence, the concerned Assistant Commissioner of Police is directed to enquire into the complaint of the petitioner and complete the same within a period of three months from the date of receipt of a copy of this order and proceed further, if cognizable offences are made out.

7. The Criminal Original Petition is disposed of with the above direction."

सत्यमेव जयते

3. When the contempt petition came up for hearing before this Court on 18.02.2015, it was submitted on the side of the respondent that the direction of this Court has been complied with and the enquiry has been conducted on the compliant given by the petitioner and closure report has been submitted on 01.12.2014. Learned counsel for the petitioner on the said date submitted that the enquiry was not conducted in a proper manner and the closure report was hurriedly issued after the contempt petition was filed,

which was taken on file by this Court on 18.11.2014. It was further represented that two miscellaneous petitions have been filed in M.P.Nos.1 and 2 of 2014 in CrI.O.P.No.4997 of 2014, wherein essentially the petitioner challenged the closure report and it was submitted that those petitions are pending. Considering the facts of the case, the Court directed to tag this contempt petition along with CrI.O.P.No.4997 of 2014. However, it appears that the contempt petition was not tagged along and those miscellaneous petitions were dismissed by this Court by order dated 26.02.2015. The Operative portion of the order reads as follows:-

"3. According to me, after the disposal of the main Criminal Original Petition, viz., CrI.O.P.No.4997 of 2014, the petitioner has no locus standi to file M.P.No.1 of 2014, to set aside the notice issued by the second respondent, dated 01.12.2014. If at all, the petitioner is aggrieved by the said notice dated 01.12.2014, as per the order dated 05.06.2014, passed in the main petition, he ought to have filed fresh Original Petition.

4. Hence, M.P.Nos.1 and 2 of 2014 are dismissed, granting liberty to the petitioner to workout his remedies in the manner known to law regarding the notice dated 01.12.2014, issued by the Assistant Commissioner of Police."

4. Learned counsel for the petitioner would submit that the Assistant Commissioner of Police, ALGSC-II, Central Crime Branch, Vepery, Chennai, has submitted a report to the Joint Commissioner of Police, Intelligent Section, Vepery, Chennai, stating about the transaction pertaining to the flat and it is submitted that the transaction was shown to have been made in the name of a fictitious person. Therefore it is submitted by the learned counsel for the petitioner that when the report has been clearly made stating that the cognizable offence has been made out, the respondent police ought to have registered an FIR.

5. Under normal circumstances, this Court would have examined the correctness of the submission, but, on account of the events mentioned above, the Court is precluded from doing so. That apart, there has been two orders passed by this Court on the two criminal original petitions filed by the petitioner himself i.e. in Cr1.O.P.No.6260 of 2017, dated 20.09.2017, and Cr1.O.P.No.17917 of 2018, dated 16.07.2018. In the said Criminal Original Petition, the petitioner has sought for a direction to the Deputy Superintendent of Police, Central Bureau of Investigation, Chennai, to register a case based on the complaint dated 25.01.2014 by withdrawing the same

from the Inspector of Police, Central Crime Branch, Vepery, Chennai.

6. In the light of the subsequent developments, no further order can be passed in this contempt petition and therefore, the same is closed. However, it is made clear that the closure of this contempt petition will no way impeach upon the legal right which the petitioner is entitled to. No Costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

rkm

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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PS/15/11/2018

To
The Assistant Commissioner of Police,
Central Crime Branch,
Vepery,
Chennai.