

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

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

Cont. P. No.852 of 2017

1 K.B. Rajendran

2 K. Pushpa Latha

3 K. Dhanalakshmi

4 K. Vasantha

5 K. Devi

Petitioners

vs.

Mr. Raja Durai  
Inspector of Police  
V-1, Villivakkam Police Station  
M.T.H. Road  
Villivakkam  
Chennai 600 049

Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondent for wilful disobedience of the order dated 29.02.2016 passed by this Court in Crl.O.P. No.22443 of 2015.

For petitioners Mr. K.B.R. Rajendran  
Petitioner-in-person

For respondent Mrs. M. Prabhavathi  
Addl. Public Prosecutor

**ORDER**

The petitioners filed Crl.O.P. No.22443 of 2015 seeking a direction to the second respondent therein to register an FIR against the private respondents therein and officers mentioned in their complaint dated 07.02.2015 and file a charge sheet before the appropriate forum. Besides, they filed Crl.O.P. No.4403 of 2016 for a direction to the respondents 1 and 2 to provide

adequate police protection for the safety, security and protection of their lives and property. This Court, by a common order dated 29.02.2016, issued the following directions:

"14. In view of the aforesaid submissions, the present Inspector of Police, who is the second respondent herein is directed to enquire the complaint dated 07.02.2015 by following the dictum laid down in Lalitha Kumari's case and register a case, if any cognizable offence is made out. However, it is needless to mention that the petitioners shall cooperate with the enquiry. Accordingly, CrI.O.P. No.22443 of 2015 is disposed of.

15. The submissions made on either side would disclose that the dispute between the petitioners and the respondents 3 to 7 is as to whether the passage is common pathway or private pathway, which, in my view, cannot be decided by this Court, either by invoking Section 482 of Cr.P.C. or by invoking writ jurisdiction under Article 226 of the Constitution of India. It has to be decided only by the competent Civil Court in the civil suit. Hence, a direction is issued to XVIII Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S. No.6407 of 2014, within a period of three months, from the date of receipt of a copy of this order.

16. Insofar as the prayer sought for in CrI.O.P. No.4403 of 2015 is concerned, the respondent police is hereby directed to consider the representation dated 07.02.2015 for providing police protection to the petitioners only with regard to their personal lives. In view of the civil dispute pending between the parties, I am of the view that there is no need to provide police protection in respect of the property concerned. Accordingly, this Criminal Original Petition is disposed of."

2 Alleging that the police have not complied with the aforesaid directions issued by this Court, the instant contempt petition has been preferred.

3 On notice, Mr. S.A. Syed Jamal, Inspector of Police, (L & O), V1, Villivakkam Police Station, has filed a counter affidavit dated 27.08.2018, wherein, he has disputed the

allegations made in the affidavit filed by the petitioner.

4 Rajendran, petitioner-in-person, submitted that the police have not complied with the order dated 29.02.2016 passed in Crl.O.P. No.22443 of 2015 and are misguiding the Court by giving false information.

5 Per contra, the learned Additional Public Prosecutor refuted the aforesaid contention of the petitioner-in-person.

6 This Court gave its anxious consideration to the rival submissions.

7 The short point that falls for consideration of this Court is whether the respondent police have complied with the direction given by this Court on 29.02.2016 in Crl.O.P. No.22443 of 2015, which has been extracted above.

8 A reading of the aforesaid direction issued by this Court shows that this Court has not given any positive direction to the police to provide police protection with regard to the lives of the petitioners, but has only directed the respondent police to consider the representation of the petitioners for providing police protection with regard to their personal lives. Further, at paragraph no.9 of the counter affidavit filed by the Inspector of Police, it has been stated as under:

".... It is respectfully submitted that confidential enquiry revealed that there is no any threat to the petitioners from any quarters. Hence, the question of giving protection does not arise."

9 As regards the directions issued by this Court in  
<https://hcservices.ecourts.gov.in/hcservices/>  
 paragraph no.14 of the order dated 29.02.2016 directing the

respondent police to enquire into the complaint dated 07.02.2015, on a perusal of the case records, it is seen that the police have conducted enquiry on the petitioners' complaint dated 07.02.2015 and the same has been closed on 22.06.2018 and a copy of the closure report has also been sent to the petitioners by Speed Post.

In view of the above, nothing survives for adjudication in this contempt petition and accordingly, this contempt petition is closed. However, the respondent police shall ensure that no physical harm befalls the petitioners and if necessary, patta book may be placed near the petitioners' house for police beat

cad

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

सत्यमेव जयते

COURT OFFICER (O.S.)

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

PS/19/11/2018