

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

CONT.P.No.139/2013

K.Shanmugam

.. Petitioner

Versus

Ms.Ponni, IPS
Deputy Superintendent of Police
Chengleput, Kancheepuram District.

.. Respondent

Contempt petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for contempt of Court order in Crl.MP.No.1/2011 in Crl.OP.No.25811/2011 dated 27.07.2011 passed by this Court.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Ravichandran,
Govt. Advocate [Crl.Side]

ORDER

The petitioner, alleging non-compliance of the order dated 10.01.2011 and the subsequent modified order in Crl.MP.No.1/2011 in Crl.OP.No.25811/2011 dated 27.07.2011, came forward to file the present contempt petition.

2 When the matter was listed for admission, the learned Government Advocate [Crl.Side] accepted notice.

3 The Inspector of Police, S.J. & H.R., Karur, who was formerly attached to the Chegelpet Taluk Police Station, has filed the counter affidavit stating among other things, that in compliance of the orders passed by this Court, one Saravanan, son of the petitioner herein,

was examined wherein he has stated that his mother Vijaya has borrowed a loan of Rs.70000/- and mortgaged the land and his mother has also conducted Deepavali Chit and the said business resulted in loss and in order to get over the same, the son-in-law of the petitioner, viz., Murugan and Vasantha, had executed the Sale Deed in favour of Mohamed Nazaar and the counter petitioners, viz., Vasantha and Venkatesan, were examined and they have corroborated the same version of the complainant's son Saravanan. Therefore, the said official had reached the conclusion that the allegation in the complaint of the complainant has not been made out and it is also not true and accordingly, submitted a report to the Deputy Superintendent of Police, Chengalpattu Sub Division on 02.10.2012 and therefore, no case has been made out and it is also false.

4 Mr.R.Sankarasubbu, learned counsel for the petitioner has drawn the attention of this Court to the order dated 27.07.2011 made in CrI.MP.No.1/2011 in CrI.OP.No.25811/2011 and would submit that the order passed by this Court has not been complied with in letter and spirit and despite the fact that cognizable offence has been made out, for oblique and obvious reasons, the said official has closed the complaint and prays for interference.

5 **Per contra**, Mr.R.Ravichadran, learned Government Advocate [Cr1.Side] would submit that even in the typed set of documents filed in the contempt petition, the endorsement of the Deputy Superintendent of Police, Chengalpattu dated 04.10.2011 has been communicated to the petitioner clearly pointing out that the allegations made in the complaint, have not been made out and it cannot be tested in this contempt petition and prays for closure of the contempt petition.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 A perusal of the order dated 27.07.2011 made in Cr1.MP.No.1/2011 in Cr1.OP.No.25811/2011 would disclose that no positive direction has been given for registration of the case and it is the stand of the Inspector of Police attached to the Chengalpattu Taluk Police Station, Kancheepuram District that after due and proper enquiry, the complaint given by the petitioner has been closed and a perusal of the endorsement of the Deputy Superintendent of Police dated 04.10.2011 would also prima facie disclose that due and proper enquiry has been made and reasons have also been assigned. As rightly pointed out by the learned Government Advocate [Cr1.Side], the legality of the Closure Report, cannot be tested in this Contempt petition.

8 Therefore, the contempt petition is closed.

However, if the petitioner is so advised and it is opened to him under law, he is always at liberty to challenge the

said Closure Report in accordance with law before the competent Forum.

SD/
ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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CO/14/9/2018

One CC to Mr.R.Sankarasubbu, SR.11199

To
Ms.Ponni, IPS
Deputy Superintendent of Police
Chengleput, Kancheepuram District.

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