

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Cont.P. (MD) No.1644 of 2016
in Crl.O.P. (MD) No.2614 of 2016**

Singaram @ Singaravelu

... Petitioner/Petitioner

vs.

1. Mr.Balaguru,
Deputy Superintendent of Police,
Pudukkottai & District.
2. Mr.Martin Rabert,
Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai & District.

... Respondents/Respondents

PRAYER: Contempt Petition filed, under Section 11 of the Contempt of Courts Act, to punish the respondents for their willful disobedience to the order of this Hon'ble Court made in Crl.O.P. (MD) No.2614 of 2016 dated 08.03.2016.

Prayer in CRL OP(MD). 2614/ 2016 :

Petition filed under section 482 of Cr.PC to direct the respondents 1 & 2 to give adequate police protection to construct the petitioner house in S.No.14/64 situated in Madathupatti, Kanniyapatti Village, Alangudi Taluk, Pudukkottai District.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mrs.S.Bharathi

Government Advocate (Criminal side)

O R D E R

In Crl.O.P.(MD) No.2614 of 2016, this Court passed the following order on 08.03.2016:

"9.Under Such circumstances, this Court is of the view that instead of relegating Singaram @ Singaravelu to move the Magistrate Court and file a protest petition, it will serve the interest of justice, if the closure report filed by the Sub-Inspector of Police is set aside and the Inspector of Police, Ganesh Nagar Police



Station, in whose jurisdiction Vallathirakottai Police Station falls, be directed to conduct a thorough investigation in Crime No.4 of 2016 under the Supervision of the Deputy Superintendent of Police, Pudukottai.

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10. Accordingly, while setting aside the closure report filed in Crime No.4 of 2016, the Inspector of Police, Ganesh Nagar Police Station, is directed to conduct a thorough investigation in Crime No.4 of 2016 under the supervision of the Deputy Superintendent of Police, Pudukottai and independently take action in accordance with law."

Alleging non-compliance with the above direction, the petitioner has filed the present contempt petition. On notice, Mr. Balaguru, Deputy Superintendent of Police, Pudukkottai and Mr. Martin Rabert, Deputy Superintendent of Police, formerly Inspector of Police, Ganesh Nagar Police Station are present.

2. Mr. Balaguru has filed a counter affidavit, wherein in paragraph 6 to 8, he has stated as follows:

"6. I humbly submit that, as per strict compliance of this Hon'ble Court order in Crl.O.P.(MD) No.2614 of 2016 dated 08.03.2016, the Superintendent of Police, Pudukkottai District issued a proceedings vide their office letter C.No.G1/8520/2016 dated 25.04.2016 to the Sub Inspector of Police, Vallathirakottai Police Station to handover the case diary of Crime No.4 of 2016 to Inspector of Police, Ganesh Nagar Police Station with instruction for re-investigation and supervision, as per Hon'ble Court order to this 1st and 2nd respondents.

7. I humbly submit that after receiving the case diary file from Vallathirakkottai Police Station, the 2nd respondent was duly instructed to initiate denova investigation by the 1st respondent. The 2nd respondent i.e., Inspector of Police duly reinvestigated the case and recorded the statement of witnesses namely Palani, Shanmugam, Mathi, Chellaiah, Saminathan, including the petitioner under section 161(3) of Cr.P.C. Except the statement of petitioner, the statement of other witnesses did not support the petitioner's contention. On 14.06.2016 the Inspector of Police recorded the statement of the Thasildar of Alangudi under 161(3) of Cr.P.C. The same also not supported the petitioner's contention.

<https://hcservices.ecourts.gov.in/hcservices>

8. I humbly submit that, in my supervision on 15.01.2017 the 2nd respondent enquired the



witnesses namely Chelliah, Ganesan, Vaithiyalingam and Shanmugam, recorded their statements. In continuation of investigation of this case on 22.04.2017, the 2nd respondent enquired Thiru.Subramanian, Junior Engineer, Tamil Nadu Electricity Board, Alangudi, Thiru. Loganathan, Village Administrative Officer of Kanniyapatti Circle, Thiru.Dhanabal, Village Assistant, Kanniyapatti Circle and Tmt.Gowri, Sub Inspector of Police, Vallathirakkottai Police Station and recorded their statements under section 161(3) of Cr.P.C."

3.In the counter affidavit filed by Martin Roberts, he has stated that he conducted investigation under the supervision of Mr.Balaguru, Deputy Superintendent of Police and he examined several witnesses and came to the conclusion that the complaint given by the petitioner was a false one. Accordingly, he once again submitted a closure report dated 22.04.2017 before the Judicial Magistrate, Pudukottai, which was taken on file in CrI.M.P.No.5383 of 2017 on 11.08.2017 and since the petitioner refused to receive the closure report it was pasted on the door of the petitioner's house.

4.Be that as it may, a copy of the closure report has now been furnished to the learned counsel for the petitioner across the bar.

5.Recording the same, the contempt petition is closed with liberty to the petitioner to file a protest application before the Judicial Magistrate, Pudukkottai within four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate, Pudukkottai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Sj

AE/KKR/SAR3/19.04.2018/3P/3C