

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM

THE HONO-00URABLE MR. JUSTICE N.ANAND VENKATESH

Contempt Petition.No.346 of 2019

Krishnamurthy

...Petitioner

Vs

Mr.Boopathy
Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Chengam Taluk,
Tiruvannamalai District

...Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt Act 1971, to punish the respondent for the willful disobedience of the order dated 05.12.2018 in CrI.O.P.No28370 of 2018 on the file of this Court.

For Petitioner : Mr.Rajarajan

For Respondent : Mr.M.Mohamed Riyaz

Additional public Prosecutor

ORDER

The respondent police has filed a counter affidavit in this case.

2.It will be relevant to extract paragraph 5,6 and 7 of the counter affidavit

<https://hcservices.ecourts.gov.in/hcservices> 5. I respectfully submit that to execute the direction of this Hon'ble Court I took enquiry on

13.03.2019, i made a personal visit to the disputed property along with surveyor, VAO and Revenue

Personals, Chengam Deputy Superintendent of Police and his police party measured the properties and put boundary stones on the edges of the lands and handed over the properties to the petitioner. Even at the time of my measurement along with surveyor no threat or induce activities happened and hence the police protection was not warranted at the time of measurement. Hence, it is submitted that i bonafidely complied the directions of the Hon'ble Court and handed over the entire properties to the petitioner. But now with false allegations this petitioner is filing this Contempt Petition before this Hon'ble Court without any merits.

6.I further submits after delivery of the properties to the petitioner on 18.03.2019 the respondent Venkatakrishnan and his wife Kasi Ammal and 9 others damaged and destroyed the fencing stones and on the basis of the complaint given by the petitioner, i registered a case in Cr.No.193/2019, u/s.147, 148, 294 (b), 427, 447, 506 (ii) of IPC and after due investigation the case has been charge sheeted on 28.04.2019. Further on 12.04.2019, I served 41A Cr.P.C Notice to the above said accused and obtained a written bond that they will not indulge any illegal activities in further with regard to the disputed

7.I further submitted that subsequently on 23.04.2019 there was an another assault was made among the petitioner parties with one Ayothi in the adjacent land belongs to the petitioner in Survey No,31/3 L and 31/3 F (Not connects with the petitioner property) away from the present disputed lands and on both complaints i registered 2 cases on both side in Cr.No.241/19 and Cr.No.241/19 u/s147, 148, 294(b), 324, 307 of IPC and yet to be charge sheeted.

3. From the above averments, it is clear that the properties for which an FIR has now been registered against the petitioner are different from the properties, which was the subject matter in CrI.O.P.No.28370 of 2018. Therefore, on *prima facie* consideration, this Court does not find any reason to proceed against the respondent police in this contempt petition.

4.In the result, this contempt petition is closed and it is left open to the petitioner to independently adjudicate his rights in accordance with the law.

सत्यमेव जयते
SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tta

//Certified to be true copy//

Dated at Madras this the day of 2019.

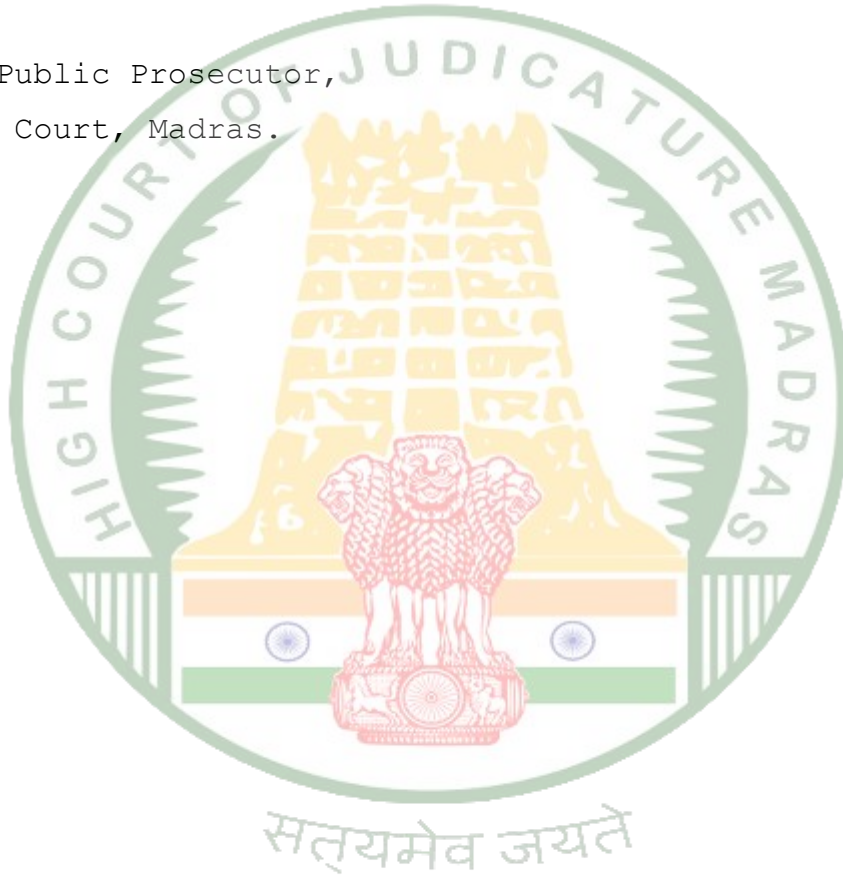
COURT OFFICER (O.S.)

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Mv/09/07/2019

To

1. The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Chengam Taluk,
Tiruvannamalai District
2. The Public Prosecutor,
High Court, Madras.



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