

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Pettion No.488 of 2019

R.Raja

... Petitioner

vs.

V.Vadivel Murugan
The Inspector of Police,
Melmaruvathur Police Station,
Melmaruvathur,
Kancheepuram District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, praying to punish the Respondent herein for his willful disobedience of the mandatory directions issued by this Court dated 14.11.2018 in W.P No.29881 of 2018.

For Petitioner : Mr. Vimal B. Crimson

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

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This contempt petition has been filed on the ground that the order passed by this Court on 14.11.2018 has not been complied with and the petitioner has not been given police protection and therefore, there is a potential threat for his life.

2. The respondent has filed a counter affidavit in this contempt petition. The relevant portions are extracted hereunder:

6. I submit that on 14.03.2018, the petitioner lodged a complaint before the respondent police by stating that on 14.03.2018 at about 2.21 a.m, some unknown persons were thrown petrol bomb in front of office situated Throwpathi Amman Koil Street, Sothupakkam and requested to take action against the unknown persons.

7. I submit that based on the above complaint, a case was registered in Melmaruvathur P.S Crime No.104 of 2018, u/s.285 IPC on 14.03.2018 at about 20.00 hours by Tr.Jinna Basha, the then Special Sub Inspector of Police, attached to Melmaruvathur P.S and investigated and the same is under investigation stage.

8. I submit that again on 19.05.2018, the petitioner lodged another complaint before the respondent police by stating that he received another threat call from the mobile number 9786755640 to the petitioner's mobile number 9944238345 and the said unknown person threatened the petitioner with dire consequences for petitions filed by the petitioner and also abused him in filthy language.

Based on the above, C.S.R No.96 of 2018 was assigned on 20.05.2018 by Tr.Devadoss, Special Sub

Inspector of Police, Melmaruvathur P.S and taken up the petition for enquiry. During the enquiry, it came to know that the person is having the suspected mobile number is contradicted to the person, who spoke to the petitioner. Based on that, the said C.S.R is closed.

9. I submit that on 28.05.2018, the petitioner filed a Writ Petition No.8909 of 2018 before this Hon'ble High Court and the Court passed an order dated 6.6.2018 by directing the respondent to put Patta passbook at the residence of the petitioner and maintain surveillance so that no harm befalls on the petitioner"

10. I submit that again on 9.7.2018, the Petitioner lodged another complaint before the respondent police by stating that on 8.7.2018 at about 22.00 hours, two unknown persons came to office of the petitioner in two wheeler and thrown petrol bomb in front of his office and requested action against them.

Based on the said complaint, a case was registered in Melmaruvathur P.S, Crime No.189 of 2018, u/s.285 and 511 IPC pm 9.7.2019 at 13.00 hours by Tr.Devadss, the Special Sub Inspector of Police, Melmaruvathur P.S and investigated and the same is under investigation.

11. I submit that meantime, the petitioner filed a Direction Petition before this Hon'ble High Court in

Crl.O.P No.29881 of 2018 for seeking direction the respondent to consider the representation of the petitioner dated 20.09.2018.

When the above said matter came up for hearing before the Hon'ble High Court, Madras pleased to pass the following order on 14.11.2018:

"6. The Fourth Respondent is directed to consider the representation made by the petitioner and take a decision with regard to providing police protection to the petitioner, since, he is already conducting regular surveillance based on the earlier order passed by this Court in Crl.O.P No.8909 of 2018".

11. I submit that as per the order of this Hon'ble High Court in Crl.O.P No.8909 of 2018 dated 6.6.2018 the respondent police provide Patta Book and camera in the office/residence of the Petitioner till dated and also maintained surveillance in the place of the petitioner. Till date, no issues or threat to the petitioner from any person. It is further submitted that the respondent police is also collecting the details of the encroachers in the surrounding places of the petitioner's place and they also under surveillance. The petitioner till date is under surveillance.

3. The learned counsel for the petitioner submitted that the respondent police are not regularly conducting the surveillance and the petitioner is facing a potential life threat.

4. The learned Additional Public Prosecutor submitted that the complaint given by the petitioner is under investigation and there is a continuous surveillance done by the respondent police. The learned counsel further submitted that the respondent police do not find any potential life threat for the petitioner.

5. Taking into consideration the facts and circumstances of the case and the counter affidavit filed by the respondent police, there shall be a direction to the respondent police to continue to keep the petitioner under surveillance and ensure that there is no threat to the life of the petitioner.

6. This Contempt Petition is closed with the above direction.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

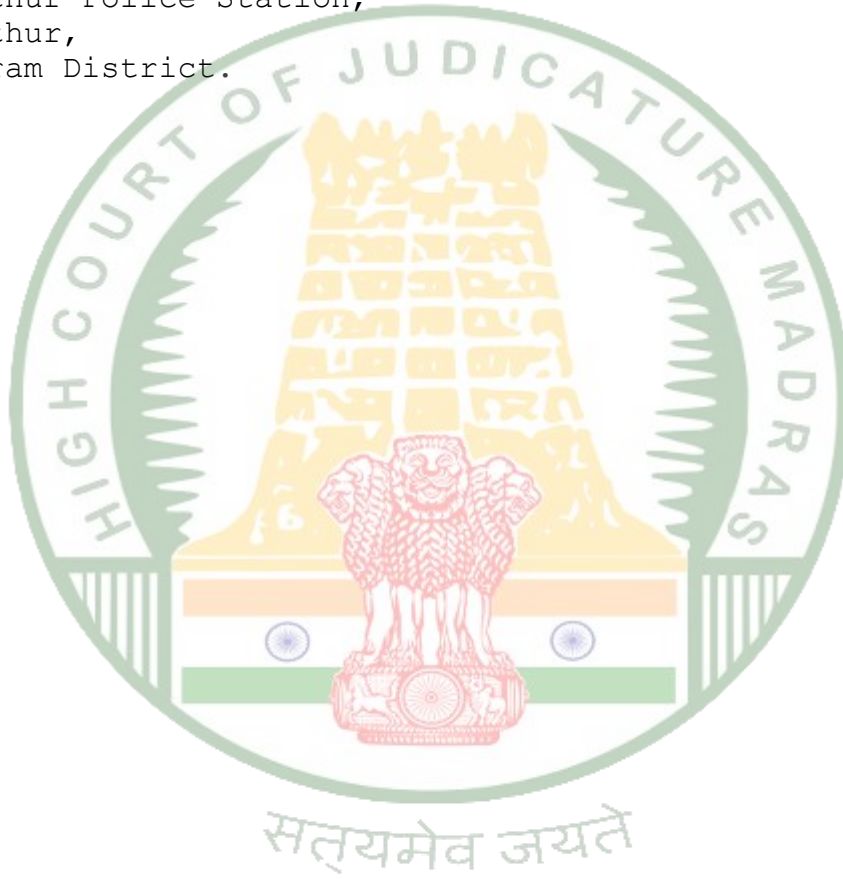
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Smi/30/08/2019

To

1. The Public Prosecutor
High Court of Madras.

2. The Inspector of Police,
Melmaruvathur Police Station,
Melmaruvathur,
Kancheepuram District.



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