

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Contempt Petition No.1946 of 2017

1.Dhanalakshmi,
W/o.Rathinamoorthy,

2.Kittathal @ Kittammal,
W/o.Krishnamoorthy,

3.Sarayya Devi,
D/o.Rathinamoorthy,

4.Mainpriya,
D/o.Rathinamoorthy,

5.Rathinamoorthy,
S/o.Kumarasamy
All are residing at
Mandhaithottam,
Poosaripatti,
Pollachi Taluk,
Coimbatore District.

... Petitioners

Vs

S.Shanmugasundaram,
Inspector of Police,
Gomangalam Police Station,
Gomangalam,
Coimbatore District.

.... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order of this Court made in CrI.M.P.No.9575 of 2016 in CrI.O.P.No.20567 of 2016 dated 09.09.2016.

For Petitioners : Mr. C. Veerarahavan

<https://hcservices.ecourts.gov.in/hcservices> For Respondent : Mrs. Kritika Kamal P.
Govt. Advocate (CrI. Side)

O R D E R

On the complaint lodged by Rajasekar, the officer in charge of Gomangalam Police Station registered a case in crime No.139 of 2016 on 20.07.2016 under Section 147, 294(b), 323 and 506(ii) IPC against Dhanalakshmi and four others. Challenging the FIR, Dhanalakshmi and four others filed CrI.O.P.No.20567 of 2016. This Court admitted CrI.O.P.No.20567 of 2016 on 09.09.2016 and granted interim stay of investigation in CrI.M.P.No.9575 of 2016 in CrI.O.P.No.20567 of 2016 on 09.09.2016. It is the grievance of the petitioners that the Investigating Officer ignored the interim stay granted by this Court and went ahead with the investigation of the case in crime No.139 of 2016 and filed final report in C.C.No.101 of 2017. Hence, they have filed the present Contempt Petition.

2.On notice, Mr.Shanmugasundaram, Sub Inspector of Police, appeared before this Court and filed an affidavit dated 21.12.2017, wherein, he has stated that he was not aware of the grant of stay by this Court and that is why, he went ahead with the investigation of the case, for which, he sought apology. It may be necessary to extract paragraph No.6 of his affidavit dated 21.12.2017.

"6.I respectfully submit at that time of filing charge sheet, the grant of stay and its subsisting were not came to know, hence, I have filed charge sheet before the court and the same is neither willful nor wanton. Hence, I once again tender my unconditional apology for any

wrong doing on the part of the respondent. I respectfully submit that I am having highest regards for the Honourable Court and the court directions. I am always obeying and complying the directions of the Honourable court. Moreover, when the Magistrate took the case on file and issued summons, after reaching the summons, the petitioner disclosed about the existence of stay. Thereafter, the Magistrate used to post this case without any further proceedings citing the reason as stay is pending before the Hon'ble High Court."

3.This Court gave its anxious consideration to the above facts. Since this Court has passed final orders in Crl.O.P.No.20567 of 2016 closing the petition with liberty to the accused to workout their remedies in the manner known to law, this Court accepts the apology tendered by the Investigating Officer and this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

Sm/03/07/2019

To
<https://hcservices.ecourts.gov.in/hcservices/>
 The Inspector of Police,
 Gomangalam Police Station,
 Gomangalam, Coimbatore District.