

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cont.P.No.2292 of 2017

1. Kakollu Prasad
2. Kakarla Ravindra
3. Yamala Ramesh ... Petitioners

Vs.

1. Sri Nanda Gopal.R
Inspector of Police,
DCB / ALGSC,
Thiruvallur,
Thiruvallur District.
(Crime No.11 of 2016)
2. K.V.Rathinam,
S/o.Thirupathiya,
No.903, J.Block,
17th Street,
Anna Nagar West,
Chennai 40.
(R2 impleaded pursuant
to the order of this Court
made in Sub.Appl.618/18,
dated 08.03.2019) ... Respondents

Prayer: Contempt Petitions filed under Section 11 of the Contempt of the Courts Act, praying to punish the respondents for willfully violated the orders of this Court in Crl.O.P.No.16728 of 2017, dated 18.08.2017.

For Petitioners : Mr.R.Sankarasubbu
For Respondents : Mr.B.Arulmozhi maran
Government Advocate (Crl. Side)
for impleaded R1
: Mr.V.Balaji for
Mr.P.Krishnan for R2

ORDER

The present contempt petition has been filed for alleged disobedience of the earlier order of this Court dated 18.08.2017 passed in Crl.O.P.No.16728 of 2017, whereby this Court had directed the first respondent herein to complete the investigation in Crime No.11 of 2016 within a stipulated time.

2. The petitioners herein had also filed another contempt petition in Cont.P.No.2278 of 2018, whereby he had alleged disobedience of an other order dated 02.02.2018 in Crl.O.P.No.17640 of 2017 wherein the second respondent herein was directed to hand over the original Sale Deed Nos.4364 of 2006 and 4365 of 2006 to the first respondent therein for the purpose of investigation.

3. Today, when the earlier contempt petition in Cont.P.No.2278 of 2018 came up for hearing, this Court had closed the Contempt petition by observing

as follows:

"2. When the contempt petition was taken up for hearing, the first respondent herein had filed an affidavit dated 08.03.2018 before this Court wherein he had stated that the original documents pertaining to the Sale Deed Nos.4364 of 2006 and 4365 of 2006 have been misplaced and the relevant portion of the counter affidavit reads as follows:

"9. I further submit that meanwhile the original documents have been misplaced and I am not able to trace the same. Owing to the non-availability of the said original documents, I am not in a position to represent the civil suit before the District Court, Thiruvallur. The non-availability of the original documents have also been recorded by this Court vide order dated 06.09.2018 passed in Contempt Petition No.422 & 423 of 2018. I am always ready and willing to obey the orders passed by this Court, and I never even thought of disobeying the orders of this Court. However, I have not been able to produce the original documents in the above stated situation. I further undertake to produce the same once the original documents are traced by me."

3. The grievance of the petitioners seems to be that first respondent herein may misuse the Sale Deed, which he claims to be in his position.

4. In view of the statement given in the counter affidavit of the first respondent that he has misplaced the original documents, the petitioners may not have a grievance, since the question of misusing these documents will not arise owing to the above observation made by the first respondent in his counter affidavit.

5. Recording the statements of the first respondent, the contempt petition is closed, since non-production of the original documents which are misplaced, would not amount to a disobedience that can be termed as willful. Accordingly, the contempt petition is closed. No costs.

4. As recorded by this Court, the second respondent had filed a counter

affidavit stating that the two original Sale Deeds have been misplaced and hence he is unable to produce that before the Police for investigation.

5. The learned Government Advocate appearing for the first respondent herein submitted that they are unable to file the final report since the original records have not been produced by the second respondent herein.

6. In view of the above order, recording the statement of the second respondent that he has misplaced the original Sale Deeds, the first respondent herein need not wait indefinitely for production of the original Sale Deeds. Hence, it is always open to the first respondent to proceed with the investigation without insisting for production of the original Sale Deeds.

7. With the above observations, it is held that there is no willful disobedience on the part of the respondents herein and hence the contempt petition stands closed. No costs.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

vum

//Certified to be true copy//

Dated at Madras this the day of 2019.

WEB COPY

COURT OFFICER (O.S.)

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

Ss/20/05/2019

To

1. The Inspector of Police,
District Crime Branch
(Land Grabbing Cell)
Thiruvallur District.
2. The Inspector of Police,
DCB / ALGSC,
Thiruvallur,
Thiruvallur District.



WEB COPY