



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cont.P. (MD).No.1412 of 2019
in
Crl.O.P. (MD)No.3816 of 2019

T.Dennis

..Petitioner/Petitioner

Vs.

Pondevi
Inspector of Police,
Karungal Police Station,
Kanyakumari District.

..Contemnor/2ndRespondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the Contemnor/second Respondent for willful disobedience of the order of this Court passed in Crl.O.P. (MD) No.3816 of 2019 dated 13.03.2019.

Prayer in CRL OP(MD). 3816/ 2019 :

Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction directing the 2nd respondent not to harass the petitioner and not to interfere with the civil rights and civil disputes of the petitioner on the basis of the petitioner representation dated 02.02.2019.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This contempt petition has been filed to punish the respondent for disobeying the order passed by this Court in Crl.O.P. (MD)No.3816 of 2019 dated 13.03.2019.

2.By an order dated 13.03.2019, this Court passed the following in Crl.O.P. (MD)No.3816 of 2019 which reads as follows:

"This criminal original petition is filed to direct the 2nd respondent not to harass the petitioner and not to



interfere with the civil rights and civil disputes of the petitioner on the basis of the petitioner's representation dated 02.02.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the official respondents.

3. The learned counsel appearing for the petitioner submitted that there are civil litigations between the petitioner and the private respondents. The private respondents appeared to have preferred some complaint to the second respondent. Based on which, the petitioner is being harassed.

4. The learned Additional Public Prosecutor submitted that the complaint given by the third respondent to the first respondent is forwarded to the second respondent. Based on which, a preliminary enquiry was conducted and closed on 28.06.2019. He also added that the respondent police have neither harassed the petitioner nor intended to harass him.

5. The submission of the learned Additional Public Prosecutor is recorded. Accordingly, this criminal original petition is disposed of."

3.The learned counsel for the petitioner would submit that preliminary enquiry was conducted and closed on 28.06.2019. Further the respondent is intended to harass the petitioner. As per the submission made by the respondent, this Court closed the petition by recording their submission. Now, the learned counsel for the petitioner submitted that even thereafter the petitioner was called for enquiry and harassed by the respondent and also the respondent compelled him to withdraw the First Appeal in A.S.No.59 of 2016 on the file of the Sub Court, Kuzhithurai. Therefore, he also issued contempt notice through an Advocate to the respondent on 21.08.2019, even after the receipt of the same, the respondent did not reply for the contempt notice.

4.The learned Government Advocate (criminal side) would submit that on the complaint lodged by Titus, they conducted enquiry and registered a case as against the petitioner even as early as on 17.04.2019, for the offences under Sections 147, 148, 447, 427, 294 (b) and 506(ii) of I.P.C in Crime No.96 of 2019 and the petitioner herein is arrayed as accused in Crime No.96 of 2019. He further submitted that on the complaint lodged by the petitioner, the respondent police also registered another case in Crime No.97 of 2019 for the offences under Sections 147, 148, 447, 294(b), 323 and 506(ii) of I.P.C as against the counter party also i.e. Titus. Therefore, the respondent has not disobeyed the order passed by this



Court. In fact, the respondent registered the cases on the complaint lodged by the petitioner and the counter party. Therefore, no contempt has been made out as against the respondent.

5. Recording the submission made by the learned Government Advocate (criminal side), this Contempt Petition is dismissed.

Sd/-
Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

Ls

To

The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-91594[F] dated
09/10/2019)

Cont.P. (MD) .No.1412 of 2019
in
Crl.O.P. (MD) No.3816 of 2019
04.10.2019

JM/18.10.2019/3P/3C