



WEB COPY

Contempt Petition No.864 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Contempt Petition No.864 of 2008

Dr.R.Murali,  
VW Crystal Square,  
No.37, Vaidyanathan Mudali Street,  
Shenoy Nagar, Chennai 30

... Petitioner

Vs.

V.Vishwamber,  
No.1/9, Pillaiyar Koil Street,  
Saidapet, Chennai 600 015

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for willful breach of the undertaking, making a false representation to obtain an order dated 21.11.2007 in Crl.O.P.No.26646 of 2007 and thereby committing contempt.

For Petitioner : Mr.Ilayarajkumar

For Respondent : M/s.T.K.Sampath Associates



**ORDER**

**WEB COPY** For the sake of convenience, the parties will be referred to by their names.

2. On a complaint lodged by Dr.R.Murali alleging that, around 13 persons had cheated him of Rs.58,00,000/-, the police commenced enquiry without registration of an F.I.R. Apprehending arrest, one of the suspect by name Vishwamber, filed Crl.O.P.No.26646 of 2007 in this Court under Section 438 Cr.P.C., seeking anticipatory bail. During the hearing, learned counsel for Dr.Murali stated that, he has received only Rs.10,00,000/- and is yet to receive the balance of Rs.5,00,000/- from Vishwamber. Learned counsel for Vishwamber gave an undertaking that he would pay the sum of Rs.5,00,000/- within a month, after his release on anticipatory bail. Recording the said undertaking, Vishwamber was granted anticipatory bail by this Court in Crl.O.P.No.26646 of 2007 on 21.11.2007. Alleging non-compliance of the above undertaking, Dr.Murali has filed the present Contempt Petition.

3. Heard Mr.Ilayarajkumar, learned counsel for Dr.Murali.

4. On instructions, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) submitted that thereafter, a regular F.I.R. in Crime No.491 of 2007 was registered against 14 persons, including Vishwamber and after



completing the investigation, a charge sheet has been filed in C.C.No.3773 of 2017 against 14 accused, including Vishwamber (A3) for the offences under Sections 465, 467, 468, 471, 420, 34 and 120-B IPC and trial is pending in the Court of the Metropolitan Magistrate for exclusive trial of CCB Cases, Chennai.

5. In view of the aforesaid developments, the undertaking given by the learned counsel for Vishwamber at the time of hearing of the anticipatory bail, cannot be pressed into service, for claiming Rs.5,00,000/- from the accused. In the opinion of this Court, this is not a fit case to issue statutory notice against the alleged contemnor and this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the                      day of                      2021.

COURT OFFICER(O.S.)

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

GS/30/06/2021