

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Contempt Petition No.1360 of 2013

AND

CRL.O.P.No.5172 of 2013

Cont.P.No.1360 of 2013

S.Vasugi

... Petitioner

S.Arumugam
Inspector of Police
D-2 Anna Salai Police Station
Chennai-2

Vs.

... Respondent

Contempt Petition filed under Section 10 and 11 of the Contempt of Courts Act, 1971 to punish the respondent for willful violating the terms of the order dated 03.10.2012 passed by this Court in Crl.O.P.No.22711 of 2012

CRL.O.P.No.5172 of 2013

S.Vasugi

.. Petitioner

Vs.

1.State rep. by Inspector of Police

D2 Anna Salai Police Station

Anna Salai, Chennai

2.The Assistant Commissioner of Police

In the campus of D2 of Anna Salai Police Station

Anna Salai, Chennai

3.The Commissioner of Police

C/o.Commissioner of Police

Egmore, Chennai-8

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to take further investigation on the FIR registration on 10.04.2012 under D2 FIR in Crime No.590 of 2012 on the file of the first respondent.

For Petitioner : Mr.R.Loganathan
in both cases

For Respondent : Mrs.P.Kritika Kamal
in both cases Govt. Advocate (Crl. Side)

COMMON ORDER

In view of the interconnectivity of facts in the Contempt Petition and Criminal Original Petition, they are considered and decided by this common order.

2. On a complaint given by the petitioner, the police registered a case in D2 P.S.Crime No.590 of 2012 on 10.04.2012 under Sections 342 and 323 IPC. It is the case of the petitioner that, her husband Saravanan was working

in M/s.Coca-Cola Co. as Marketing Executive; on 09.04.2012, he went for work at 08.30 a.m. and on the same day around 03.30 p.m., he was brought home by one Kamalakannan and Prabakaran in an auto rickshaw; he appeared fainted; they told the petitioner that the officials of M/s.Coca-Cola Co. had beaten her husband; she admitted her husband in Girishwari Hospital, where he was kept in the I.C.U.; after admitting him, she lodged a written complaint, based on which, the police registered an F.I.R. as stated above.

3. The petitioner filed Crl.O.P.No.22711 of 2012 under Section 482 Cr.P.C. for a direction to the police, to take appropriate proper further investigation on the F.I.R. registered on 10.04.2012 under Crime No.590 of 2012. On this petition, this Court passed the following order on 03.10.2012 :

“The petitioner has come forward with this petition for a direction to the respondent to take appropriate proper further investigation on the FIR registered on 10.04.2012 under Cr.No.590/2012 on the file of the 1st respondent by altering the FIR appropriately.

2.It appears that the injured is the complainant. It is also reported by the learned Government Advocate (Criminal Side) that the case has already been altered to Section 325 IPC.

3.In view of the above position, the Criminal Original Petition is disposed of with a direction to the respondent to file final report expeditiously, after examining all the injured

witnesses.”

It appears that the said Saravanan was undergoing treatment in spells and he died on 22.01.2013. Under such circumstances, the petitioner has filed the present Contempt Petition alleging violation of the order dated 03.10.2012.

4. Mr.Loganathan, learned counsel for the petitioner submitted that the police have completed the investigation in Crime No.590 of 2012 and have filed a closure report dated 25.03.2013 in the Court of the XIII Metropolitan Magistrate, Egmore. It is his contention that the investigation by the police was perfunctory and that, they should have completed the investigation and filed charge sheet expeditiously. Therefore, their failure to file the charge sheet before the death of Saravanan, would amount to violation of the order dated 03.10.2012 and hence, the respondents are liable to be punished for contempt of Court.

5. This Court is unable to countenance the aforesaid submission. Time and again, the Supreme Court has held that Courts should not fix outer limits for completing the investigation of a case because, it would amount to encroaching into the field of investigation. That is why in this case, this Court had not fixed any outer time limit, but, had merely directed the police to complete the investigation expeditiously. In this case, a reading of the final report shows that the police have been attempting to have the statement of Srinivasan recorded by a Magistrate, but, on account of his health condition,

the police were not able to have the statement recorded. All this had resulted in delaying the investigation.

6. In such view of the matter, this Court does not find any good reason to issue statutory notice to the respondent in this contempt petition. Hence, this Contempt Petition stands closed.

Since the police have filed a closure report in Crime No.590 of 2012, nothing survives in the Criminal Original Petition No.5172 of 2013 and the same stands dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2020.

सत्यमेव जयते

COURT OFFICER(O.S.)

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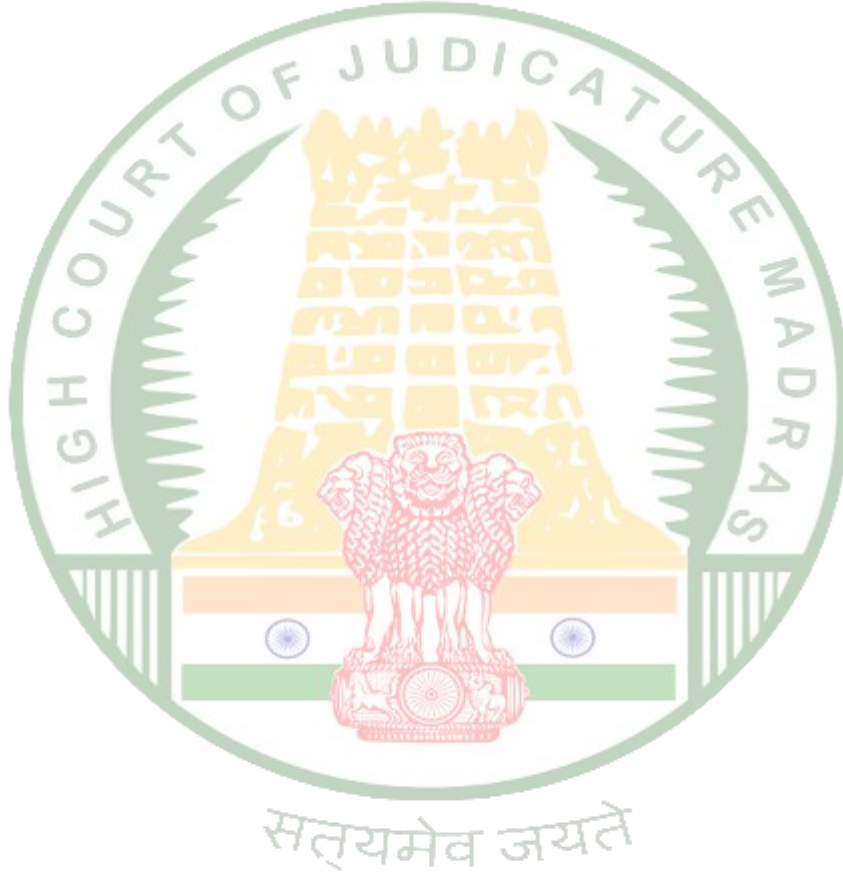
To

The Inspector of Police
D-2 Anna Salai Police Station
Chennai-2.

<https://hcservices.ecourts.gov.in/hcservices/>

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In the campus of D2 of Anna Salai Police Station
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