

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Cont.P.No.1715 of 2016

Tarachand Jain

...

Petitioner

Vs.

Ravikumar

Inspector of Police (L & O)

C2-Elephant Gate Police Station

Chennai

...

Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to take necessary action against the respondent for his willful disobedience of the order dated 23.03.2016 passed by this Court in CrI.O.P.No.6339 of 2016.

WEB COPY

For Petitioner

: Mr.Sandeep S Shah

For Respondent

: Mrs.P.Kritika Kamal,
Government Advocate
(CrI. Side)

ORDER

This contempt petition has been filed seeking to take necessary action against the respondent for his wilful disobedience of the order dated 23.03.2016 passed by this Court in CrI.O.P.No.6339 of 2016.

2. Heard Mr.Sandeep S Shah, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) appearing for the respondent/State.

3. The petitioner has some disputes with his landlady, in connection with which, he gave a complaint dated 27.02.2016 to the Inspector of Police, C2-Elephant Gate Police Station, Chennai. Thereafter, the petitioner filed CrI.O.P.No.6339 of 2016 under Section 482 Cr.P.C. before this Court, for a direction to the police to register an FIR on his complaint dated 27.02.2016.

4. In CrI.O.P.No.6339 of 2016, this Court issued the following directions on 23.03.2016:

“4.Keeping in view of the nature of the complaint, this Court finds that it is better to issue a direction as sought for by the petitioner to register a case forthwith provided any prima facie is made out.

5.Accordingly, the respondent is directed to register a case based on the petitioner's complaint dated 27.02.2016, provided any prima facie case is made out and take up the investigation within a period of three weeks from the date of receipt of a copy of this order. this criminal original petition is disposed of accordingly.”

5. Thereafter, the petitioner filed a fresh petition in CrI.O.P.No.10043 of 2016 under Section 482 Cr.P.C. before this Court, for a direction to the Inspector of Police, C2-Elephant Gate Police Station, Chennai, to register an FIR on the complaint dated 27.02.2016 in C.S.R.No.43/CSR/C2/2016, in which, this Court passed the following order on 06.06.2016:

“3. It is seen that the petitioner has given a complaint by email dated 27.02.2016, wherein, he has alleged that his father was a tenant in the premises bearing No.17, Bommuliari Street, Sowcarpet, Chennai – 79; that his father had gone to Mumbai; that when the petitioner came on 27.02.2016, he found that the shop was opened by the landlady and the furniture was removed.

4. *Per contra, the learned Additional Public Prosecutor submitted that a similar complaint was given by the petitioner earlier, based on which, a case in Crime No.511 of 2014 under Sections 448, 427 and 380 IPC was registered and the same was closed as mistake of fact on 12.08.2014.*

5. *Even according to the petitioner, he has got possession of the property and in the petition, he has prayed for putting back to possession of the property. under such circumstances, no positive direction can be issued to the respondent police to register an FIR.*

Hence, this Crl.O.P. is closed with liberty to the petitioner to work out his remedy in the manner known to law.”

6. Suppressing the above order dated 06.06.2016 in Crl.O.P.No.10043 of 2016, the petitioner has filed the present contempt petition alleging violation of the order dated 23.03.2016 in Crl.O.P.No.6339 of 2016. In the affidavit filed by the petitioner in support of the present contempt petition, there is no mention of the order dated 06.06.2016 in Crl.O.P.No.10043 of 2016. On this short ground alone, this contempt petition deserves to be dismissed.

In the result, this contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

nsd

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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SMI/04/01/2021

To

1.Inspector of Police (L & O)
C2-Elephant Gate Police Station
Chennai

3.The Public Prosecutor
Madras High Court
Chennai – 600 104

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