

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.2325 of 2016

Mary Amirtha

... Petitioner

Vs.

1.Kumaran
Inspector of Police
Valasaravakkam Police Station
Valasaravakkam, Chennai-87

2.Settu
Inspector of Police
Velachery Police Station
Chennai

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for having committed contempt of court in filing false affidavit in Contempt Petition No.1305 of 2015 in CrI.O.P.No.21305 of 2014 consequent to which order dated 19.08.2015 in Contempt Petition No.1305 of 2015 was passed by this Hon'ble Court.

For Petitioner : Mr.S.Aishwarya
for Mr.N.Suresh

For Respondents : Mrs.P.Kritika Kamal
Govt. Advocate (CrI. Side)

ORDER

On a complaint lodged by the petitioner, the 1st respondent police registered a case in Crime No.762 of 2005 and after completing the investigation, filed a final report in C.C.No.210 of 2006 in the Court of the Judicial Magistrate No.I, Poonamallee for the offences under Sections 406 and 420 IPC against one Muruganandam, a local advocate and his wife Gunavalli.

2. It is the case of the petitioner that, she had some problems with her husband and she approached Muruganandam for legal advice; however, Muruganandam cheated her by relieving her all her jewels, on the promise of marrying her, but, reneged.

3. It appears that in CrI.M.P.No.836 of 2008, the learned Judicial Magistrate No.I, Poonamallee has directed the police to file additional charge sheet in C.C.No.210 of 2006. Since the police were dragging their feet, the petitioner had filed CrI.O.P.No.21305 of 2014 under Section 482 Cr.P.C., for a direction to the police to file additional charge sheet as directed by the Judicial Magistrate No.I, Poonamallee. This Court issued the following directions in CrI.O.P.No.21305 of 2014 on 16.09.2014 :

“In view of the order passed in Crl.M.P.No.836 of 2008 by the Judicial Magistrate No.I, Poonamallee, the respondent police is directed to comply with the same and file additional charge sheet if warranted as expeditiously as possible by not later than eight weeks from the date of receipt of a copy of this order. This petition is accordingly disposed of.”

4. Even after the order dated 16.09.2014, the police did not file additional charge sheet and therefore, the petitioner filed Contempt Petition No.1305 of 2015 in Crl.O.P.No.21305 of 2014 for punishing the investigating officer. In Contempt Petition No.1305 of 2015, this Court passed the following order on 19.08.2015 :

“3.It is now submitted by the learned Government Advocate (Criminal Side) that though the additional charge sheet filed was taken cognizance as C.C.No.210 of 2006.

4.In view of the submission so made herein, no further order is necessary. Hence, the Contempt Petition is closed, with a direction issued to the concerned learned Judicial Magistrate-I, Poonamallee to dispose of C.C.No.210 of 2006 as expeditiously as possible, by not later than six months from the date of receipt of a copy of this order. Office is directed to mark a copy of this order to the learned Judicial Magistrate-I, Poonamallee, for compliance.”

5. The petitioner made a copy application for additional charge sheet in Judicial Magistrate Court No.I, Poonamallee, which was returned on 02.08.2016, on the ground that there is no additional charge sheet in C.C.No.210 of 2006. Hence, the petitioner has filed the present Contempt Petition alleging non-compliance of the order dated 19.08.2015 in Contempt Petition No.1305 of 2015.

6. Heard Ms.S.Aishwarya, learned counsel representing Mr.N.Suresh, learned counsel on record for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondent State.

7. On instructions, Mrs.Kritika Kamal, submitted that the police have complied with the order passed by this Court and had filed additional charge sheet, based on which, the trial Court has taken fresh cognizance of the offences under Sections 406 and 420 read with 34 IPC and has issued process to Muruganandam and his wife Gunavalli and the C.C. has been numbered as C.C.No.160 of 2015.

Recording the same, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/30/12/2020

To

1.The Judicial Magistrate No.1,
Poonamallee.

2.The Inspector of Police
Valasaravakkam Police Station
Valasaravakkam, Chennai-87

3.The Inspector of Police
Velachery Police Station
Chennai.

4. The Government Advocate(Crl. Side),
High Court Campus,
Madras.



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