

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Contempt Petition No.2654 of 2014

D.Vigneshwaran

... Petitioner

Vs.

1.Amit Kumar Singh
Superintendent of Police
Tiruppur Rural District
Tiruppur

2.Sundarapandian
Inspector of Police
Tiruppur Rural Police Station
Tiruppur

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents herein for willfully disobeying the order made in CrI.O.P.No.6532 of 2013 dated 07.10.2013.

For Petitioner : Mr.K.Raja
For Respondents : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

There was a theft in the house of the petitioner on 28.07.2011, in which he had lost jewels worth Rs.12,50,000/-. In connection with that, on the complaint given by the petitioner, a case in Tiruppur Rural Police Station Crime No.4212 of

2011 was registered on 29.07.2011 under Sections 457 and 380 IPC against unknown accused. Not satisfied with the progress of investigation, the petitioner filed CrI.O.P.No.5582 of 2013 for transferring the investigation from the file of the local police viz. Tiruppur Rural Police Station to CB-CID, Tiruppur, in which, this Court by order dated 07.10.2013, issued the following directions :

“3. The grievance of the petitioner is that even then there is no progress. This case is of the year 2011. Hence, non completion of the investigation is not appreciable.

4. In the circumstances, the Inspector of Police, Tiruppur Rural Police Station, Tiruppur is directed to complete the investigation within two months from the date of receipt of a copy of this order. The Superintendent of Police, Tiruppur Rural District is directed to monitor the investigation and direct the concerned Inspector of Police to complete the investigation and comply with the orders of this Court by filing the final report within the time now prescribed.

5. With the above direction, this Criminal Original Petition is disposed of.”

Aggrieved by the failure of the police to comply with the aforesaid direction, the present Contempt Petition has been filed.

2. Heard Mr.Mr.K.Raja, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Govt. Advocate (CrI. Side) appearing for the State.

3. The Deputy Commissioner of Police, Tiruppur City has filed a Status Report dated 27.04.2015, wherein, in paragraph 11 and 12, he has stated as follows :

“11. I respectfully submit that so far the investigation revealed that the said Mr.Sundarapandian, and his predecessors have taken as many as 868 finger prints of Ex-convicts, suspect persons and M.O.

criminals and the same were compared with the said foreign finger print, but no match has been obtained. Reports to the Higher officials were sent periodically and as all the efforts to curb the unknown culprits went in vain and as this Hon'ble Court has ordered to file the Final Report within 2 months from the date of receipt of the order, the Inspector of Police, Tiruppur Rural P.S., Mr.Sundarapandian came to the conclusion that there will no change in circumstance of the case and has closed the case as "undetected" on 30.07.2014 vide RC's Notice No.40/2014 as the investigation ended in vain. Wherein the Investigation Officer has also clearly stated that "in future if any clue was obtained, the case will be reopened in accordance with law". The said RCS Notice was served to the de facto complainant/petitioner herein on 30.07.2014 by the Investigation Officer, which was refused by the de facto complainant/petitioner and as such the RCS notice was affixed on the conspicuous part of his house of the de facto complainant in the presence of Tr.George, Nallur Village Assistant on the same day i.e., on 30.07.2014, in accordance with law.

12.It is submitted when the said result of the case in treating the case as undetected was placed before me, I personally wrote a letter to the Deputy Superintendent of Police, Single Digit Finger Prints Bureau requesting her to keep a strict watch in future with regard to the said Foreign finger extracted in the SOC. Hence,

whenever we receive any information, from any fraction, about the culprits involved in the said case, the case will be reopened."

A reading of the above shows that the police are doing their best to trace the offenders, but, in vain.

4. In *Chinnathambi @ Subramani Vs State* [2017(1) LW (Crl.)] 485, a Full

Bench of this Court has held that when a case is closed as undetected, it can be

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

opened at any time by the police, if they get incriminating materials. In such view

of the matter, this Contempt Petition is closed with liberty to the police to reopen the case, as and when they detect the offenders.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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

SMI/30/12/2020

To

1.Superintendent of Police
Tiruppur Rural District
Tiruppur

2.Inspector of Police
Tiruppur Rural Police Station
Tiruppur

3.Deputy Commissioner of Police
Tiruppur District
Tiruppur

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