

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.3156 of 2014

Mrs.Sampath Rani

..Petitioner/A2

-vs-

1.Mr.Sekar

Sub-Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai 600 053

2.Mrs. Gomathy

3.Mr. Sivakumar

Inspector of Police,
T-1, Ambattur Police Station
Ambattur, Chennai 600 053

..Respondents

Prayer: This Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents wilful disobedience and breach of the order of INTERIM STAY in M.P.No.1 of 2011 in CrI.R.C. No.475 of 2011 dated 28.03.2011 against Crime No.223/2010 passed by this Court.

For Petitioner :: Mr.S.Suresh

For Respondents :: Mr.C.Iyyapparaj,
APP for R1 and R3

:: M/S.M.E.V.Thulasi for R2

ORDER

A perusal of the records reveal that one Benjamin was implicated in Cr.No.223 of 2010 on the file of the first respondent police for the offence under Sections 294 (b), 420 and 506(ii) of IPC and the petitioner therein filed a Criminal Revision Petition in CrI.RC.No.475 of 2011, challenging the order in CrI.MP.No.2833 of 2010 on the file of the learned Judicial Magistrate, Ambattur, wherein the Lower Court ordered for further investigation under Section 173(8) of Cr.P.C. Challenging the same, writ petition was filed. While entertaining the writ petition, this Court by order dated 28.03.2011, granted interim stay. However the Law Enforcing

Agency arrested the said Benjamin as well as the petitioner, who is the mother of the said Benjamin. On the premise that the order has been violated. The petitioner herein has filed the present petition alleging Contempt.

2.The learned counsel appearing for the petitioner submits that in spite of this Court granting an order of stay, the Law Enforcing Agency had arrested the petitioner, which is nothing but wilful disobedience of the orders passed by this Court and, therefore, the respondents should be hauled for contempt.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.A perusal of the order in the writ petition reveals that the same has been filed by one Benjamin, and that stay has been granted by this Court is Cr.No.223/2010 on the file of the learned Judicial Magistrate, Ambattur. However, it is the allegation that the law enforcing agency has arrested the petitioner herein. The stay was only in respect of the arrest of Benjamin and not in respect of the petitioner. That being the case, it cannot be said that the law enforcing agency has committed contempt of this Court's order. If at all the person who is aggrieved, it is the said Benjamin, who should come before this Court and not the petitioner. The petitioner, being not a person aggrieved, cannot knock on the doors of this Court claiming that the order passed by this Court has been wilfully disobeyed and, thereby, wilful contempt has been committed.

5.In the above facts and circumstances, this Court is of the considered view that there being no contempt insofar as this petitioner is concerned, this petition deserves to be dismissed. Accordingly, this Contempt Petition is dismissed. No costs.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

jrs
To

1.The Sub-Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai 600 053

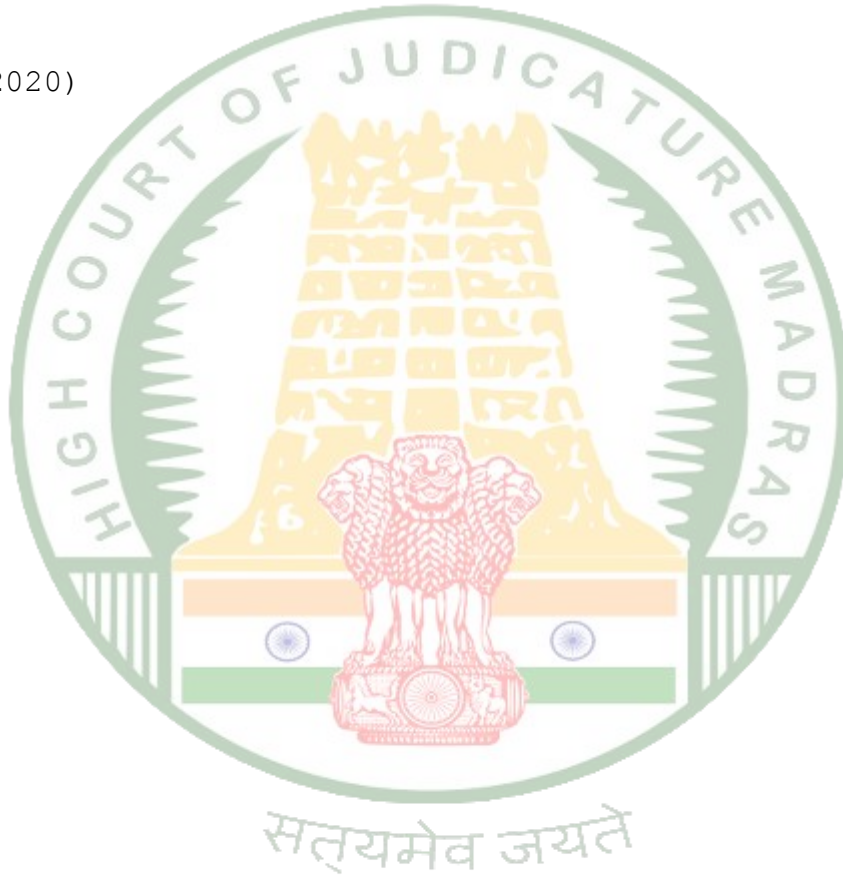
2.The Inspector of Police,
T-1, Ambattur Police Station
Ambattur, Chennai 600 053

3.The Public Prosecutor
High Court, Madras 104.

4.The Judicial Magistrate
Ambattur, Chennai

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VBA (CO)
SP(27/02/2020)



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