

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.03.2020

CORAM

THE HON'BLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

Contempt Petition No. 1982 of 2017

P.Mythili

..Petitioner

Vs

1.Mr.Ravikumar,
Inspector of Police(Low and Order),
E1, Mylapore Police Station,
Mylapore,
Chennai-4.
2.Kumar
3.Suresh
4.Thangavelu
5.Dillibabu
6.Rajan

.. Respondents

(Respondents 2-6 are impleaded as per order of this Court dated 17.03.2020)

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willfully disobeying the orders passed in CrI.O.P.No.20785 of 2017 dated 27.09.2017.

For Petitioner : Mr.K.Shivakumar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

for R1.

Mr.K.Radhakrishnan

for R2 to R6.

ORDER

This Contempt Petition has been filed to punish the respondent for willfully disobeying the orders passed in CrI.O.P.No.20785 of 2017 dated 27.09.2017, wherein, the respondent was directed to provide police protection to the petitioner to enable the enforcement of the interim order obtained by her in I.A.No. 10345 of 2017 in O.S.No. 4018 of 2017 on the file of IV Assistant Judge, City Civil Court, Chennai.

2. The learned counsel for the petitioner submitted that, as directed by this Court, the second respondent did not provide any police protection to the petitioner's shop.

3. The learned Public Prosecutor has filed a counter affidavit and submitted that the petitioner is an accused in Cr.No.583 of 2017. The petitioner and one Balamurugan were involved in E-1 Mylapore Cr.No.1028/2017, under Sections 341, 294 (b), 324, 506 (ii) IPC and the same is pending trial before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and also the petitioner and Balamurugan murdered petitioner's own sister by name, Tmt.Meenakshi, Mylapore, Chennai-600004 and her brother-in-law Dharmalingam, with regard to taking over their properties, hence, a case was registered in E-1 Mylapore Police Station,

Cr.No.83/2017, under Section 174 Cr.P.C. on 13.01.2017 and altered into 302, 201 & 120(b) IPC against the petitioner/P.Mythili and Balamurugan and the same was transferred to CBCID, Chennai and the same was registered in Cr.No.02/2018, under Sections 302, 201, 120(b) IPC and the same is under investigation.

4. The proposed respondent has filed a counter affidavit and submitted that the petitioner had suppressed the material facts and have not impleaded the 3rd and 4th proposed respondents, who are necessary parties in the CrI.O.P.No.20785 of 2017 by filing a false affidavit before this Court as if the petitioner herein was in the possession of the property bearing shop No.68, Chitrakulam North Mada Street, Mylapore, Chennai - 600 004, had had obtained an order of Police protection from this Court in order to mis-interrupt the Interim order of status quo in I.A.No. 10345 of 2017 in O.S.No.4108 of 2017 on the file of the learned IV Assistant City Civil Judge, Chennai and tried to throw out our legitimate possession of the property in question.

5. The petitioner is an accused in Cr.No.83/2017, under Section 174 Cr.P.C., which was altered into 302, 201 & 120(b) IPC. Further, she along with the other person entered the above said shop and looted cash of Rs.4,300/- for which another crime has been registered as against the

petitioner and another Cr.No.1406 of 2017 for the offences under Sections 454, 380 IPC and in fact, the proposed respondents are in possession and enjoyment of the property. As per the order of this Court dated 27.09.2017, the respondent came to provide police protection, however it was noticed that the petitioner was never in possession and enjoyment of the property. Therefore, no contempt made as against the respondent and this contempt petition stands dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kmm

//Certified to be true copy//

Dated at Madras this the day of 2020.

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/20.08.2020

To

The Additional Public Prosecutor,
High Court,
Madras.