



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CONT.P.(MD)No.183 of 2020 IN

CRL.O.P.(MD)No.16564 of 2019

Ganesan

... Petitioner/Petitioner

Vs.

Alli Rani,
Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.

... Respondent/2nd Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to issue summons to the respondent for the willful disobedience of the orders of this Court passed in Crl.O.P. (MD)No.16564 of 2019 dated 14.11.2019 and punish the respondent under the provisions of the Contempt of Courts Act.

Prayer in CRL OP(MD). 16564/ 2019 :

Criminal Original Petition filed under Section 482 of Cr.P.C to order direction directing the 2nd respondent to register a case based on the order dated 26.12.2018 in Crl M.P.No.6119 of 2018 on the file of the Judicial Magistrate No.II, Sivagangai against the proposed accused persons and direct the 1st respondent, to take necessary Action against the Second Respondent for his inaction to register an FIR inspite of an order from the Judicial Magistrate, No.II, Sivagangai.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.A.Robinson,
Government Advocate(Crl. Side).

O R D E R

The petitioner filed Crl.O.P.(MD)No.16564 of 2019 for directing the Inspector of Police, District Crime Branch, Sivagangai, to register the case based on the order dated 26.12.2018 in Crl.M.P.No.6119 of 2018 on the file of the Judicial Magistrate No.II, Sivagangai.

2. By order dated 14.11.2019, this Court directed as follows:-



"Considering the facts and circumstances, the second respondent is directed to register a case and investigate the same as per direction issued by the learned Judicial Magistrate No.II, Sivagangai, by order dated 26.12.2018 in CrI.M.P.No.6119 of 2018." Contending that this order has been breached, this contempt petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

4. The learned Government Advocate(Crl. Side) would point out that the petitioner herein originally filed a petition under Section 156(3) of Cr.P.C. in CrI.M.P.No.6119 of 2018. By order dated 26.12.2018, the learned Judicial Magistrate No.II, Sivagangai, directed the Inspector of Police, District Crime Branch, Sivagangai, to enquire the witnesses and examine the documents and take appropriate action, if necessary by even registering the First Information Report.

5. It is seen that the respondent herein did not deem it fit and appropriate to register the First Information Report and filed a closure report on 25.01.2019. Thereafter, the petitioner is said to have filed a protest petition. The same had also suffered a dismissal. The petitioner was given liberty to file a private complaint. Thus when this Court passed an order dated 14.11.2019, the respondent herein had already filed a closure report. In other words, the direction issued by this Court was infructuous at the very inception. The mistake committed by the respondent is two fold. When the matter was taken up for hearing on 14.11.2019, the respondent ought to have given instructions to the learned Government Advocate(Crl. Side) to set forth the aforesaid factual aspects. Without getting the respondent's instructions, a disposal had been given. The matter could have been subsequently brought to the notice of the learned Judge under the caption "For Being Mentioned". The respondent cannot ignore the order passed by this Court. To this extent, I would fault the conduct of the respondent. But beyond this no contempt is made out.

6. The contempt petition stands closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To :

1. The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.

2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.V.KANNAN, Advocate (SR-11348[F] dated 12/03/2020)

CONT.P.(MD)No.183 of 2020 IN
CRL.O.P.(MD)No.16564 of 2019
11.03.2020

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