



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1079 of 2019 IN
CRL.O.P.(MD)No.17153 of 2018

Umadevi

... Petitioner/Petitioner

Vs.

Padmavathi,
Inspector of Police (L&O),
Tirunelveli Medical College Hospital
police station,
Palayamkottai, Tirunelveli.
(At present, she is working as
Inspector of Police,
All Women Police Station,
Kovilpatti,
Tirunelveli District.)

... Contemnor/Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to initiate appropriate contempt proceedings against the contemnor/respondent and the then Sub Inspector of Police, Tirunelveli Medical College police station for her willful, wanton and deliberate disobedience in complying with the order dated 26.09.2018 passed in Crl.O.P.(MD)No.17153 of 2018 by this Court and to punish the contemnor/respondent and the then Inspector of Police, Tirunelveli Medical College police station for having committed contempt of Court.

Prayer in Crl.OP.(MD).No.17153/2018:Criminal Original Petition is filed under section 482 Cr.P.C to direct the respondent police to incorporate/include the sections 354, 442 of IPC and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 1998 in the FIR filed in Cr.No.75 of 2018 against the accused by the respondent police.

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



O R D E R

The petitioner is the defacto complainant in Crime No.75 of 2018 registered on the file of the Tirunelveli Medical College Hospital police station. The petitioner filed Crl.O.P.(MD)No.17153 of 2018 for directing the respondent to include certain additional penal provisions. The said O.P. was disposed of on 26.09.2018 by recording the submission of the learned Government Advocate(Crl. Side) that the additional penal provisions will be added and thereafter final report will be filed before the very same Court. The petitioner alleges that the undertaking given before this Court was not complied with.

2. When the matter was taken up for hearing, the learned Government Advocate(Crl. Side) submitted that the closure report was filed as early as on 03.07.2018 itself.

3. The materials on record clearly justify the factual assertion. Of course this Court has to necessarily fault the then Sub Inspector of Police who had given a wrong and misleading instructions to the officer who in turn has placed wrong submissions before this Court. But then, the fact remains that the closure report was filed before the jurisdictional Magistrate Court on 03.07.2018 itself. In fact the notice was also issued to the petitioner herein later and R.C.S. has also been recorded.

4. Therefore, the only course open to the petitioner is to file a private complaint. If the petitioner files a private complaint, certainly, the same will not be thrown out threshold on the ground of limitation. Giving liberty to file a private complaint, this contempt petition stands closed.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)

Pmu

To :

1. The Inspector of Police (L&O),
Tirunelveli Medical College Hospital
police station,
Palayamkottai, Tirunelveli.



2. The Inspector of Police,
All Women Police Station,
Kovilpatti, Tirunelveli District.

+1 CC to M/s.Y.KRISHNAN, Advocate (SR-11992[F] dated 17/03/2020)

+1 CC to M/s.Y.KRISHNAN, Advocate (SR-82523[F] dated 20/08/2019)

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SM/ (08.05.2020) 3P 5C