

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE **A.D.JAGADISH CHANDIRA**

Cont.P.No.1135 of 2011

N.Rajendran,
S/o.Nattrayagounder,
Amman Koil, Chettymalkurichi Post,
Edappadi Taluk,
Salem – 637 101..
... Petitioner

-Vs.-

Mr.Kasinathan,
The Inspector of Police,
Jalagandapuram Police Station,
Salem, Salem District.
,... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, praying to punish the respondent for his wilful disobedience of the order passed in Crl.O.P.No.10748 of 2009 dated 12.06.2009.

For Petitioner : No appearance
For Respondent : Mrs.Sharadha Devi
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

This Contempt Petition has been filed seeking to punish the respondent viz., The Inspector of Police, Jalagandapuram Police Station, Salem, for his wilfully disobedience of the order passed in CrI.O.P.No.10748 of 2009 dated 12.06.2009.

2. Mr.S.Venkatachalam, Sub Inspector of Police, incharge of the first respondent is present before this Court through video conference.

3.While disposing the CrI.O.P.No.10748 of 2009 dated 12.06.2009, this court had directed the first respondent to complete the investigation and file a final report in Crime No.377 of 2008 within a period of two months from the date of order. Further, the first respondent was also directed to furnish a copy of the accident register to the petitioner so as to enable him to make a claim for compensation under the Motor Vehicles Act. Since the order has not been complied, the petitioner has filed the contempt application. On 17.12.2020, when the matter came up before this Court, the learned Government Advocate (CrI.Side) has submitted that the investigation in Crime No.377 of 2008 was completed and the case was closed as a mistake of fact and the RCS Notice has not yet been served on the defacto complainant. This Court directed the respondent to serve RCS Notice and file the same before the Jurisdictional

Magistrate and posted the matter on 06.01.2021.

4. Today when the matter was taken up for hearing, Mr.Venkatachalam, Sub-Inspector of Police, Incharge of the respondent would submit that the Inspector of Police, Jalagandapuram is vacant and one Kalaiarasi, Inspector of Police, All Women Police Station, Omalur, is in-charge of Inspector of Police, Jalagandapuram Police Station and thereby he has been deputed to appear before this Court through video conference. He would further submit that the investigation in Crime No.377 of 2008 which was registered for the offence under Sections 279 and 338 of IPC was completed and the case was closed as mistake of fact and RCS Notice was duly served on the defacto complainant even prior to 22.07.2011. He would submit that the learned Judicial Magistrate No.2 Mettur, had issued a notice to the defacto complainant on 27.06.2011 and thereafter the learned Judicial Magistrate No.2, Mettur, had closed the case. He would further submit that there had been some lapses on the part of Inspector of Police in conducting the investigation and complying with the order. He would submit that the delay is not intentional and thereby he would seek unconditional apology before the Court.

5. No representation for the petitioner.

6. The learned Government Advocate (Crl.Side) would submit that

RCS notice already been served and the case has been closed as mistake of fact. She would further submit that due to miscommunication on account of the Pandemic she was unable to give correct instructions before the Court. She would submit that the wrong information given is neither willfully nor wantonly. She would seek apology before this Court. She would further submit that now RCS Notice served and the case was closed as mistake of fact by the learned Judicial Magistrate No.2, Mettur.

7. Recording the same finding that the order has been complied with and nothing survives for adjudication in this case, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

msrm

//Certified to be true copy//

Dated at Madras this the day of 2021.

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COURT OFFICER(O.S.)

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

CO/22/03/2021

To

1. The Inspector of Police,
Jalagandapuram Police Station,
Salem, Salem District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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