



WEB COPY

Cont.P. No.771 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HON'BLE Mr. JUSTICE M.S.RAMESH

CONT PETN. No. 771 OF 2021

K.Muthusamy,
No.5/99, Kalleri,
Aalambadi Post,
Kangayam Taluk,
Tiruppur District

..Petitioner

Vs

Mr.K.Periaiah,
Inspector of Police,
West Zone,
Coimbatore.

..Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Court Act 1971 to punish the respondent for willful disobedience of the order dated 04.11.2019 passed by this Court in W.P.No. 29883 of 2019.

For Petitioner : Ms.N.Premalatha
For Respondent : Mr.A.Gokulakrishnan, State P.P

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ORDER

Alleging non compliance of order of this Court dated 04.11.2019 passed in W.P.No. 29883 of 2019, wherein this Court had directed the Inspector General of Police to consider the petitioner's



complaint dated 12.10.2019, wherein the petitioner had made serious allegations against one Mr. S.Ravikumar, Inspector of Police, Kangeyam Police Station, Tiruppur District with an observation that in case the Inspector General of Police was of the view that the enquiry is required as against the concerned Inspector of Police, due opportunity should be extended to him before taking any further action.

2. The case of the petitioner is that the 3rd respondent has obtained certain illegal benefits from the TASMAC Shop No. 3884 at Nall Road, Paranjervalli Post, Kangeyam Taluk, Tiruppur District. It is also his case that after the petitioner's repeated complaints, the Inspector of Police has been harassing him. All these allegations have been made in the petitioner's complaint as well as in the affidavit filed in support of the writ petition in W.P.No.29883 of 2019, as well as in the contempt petition.

3. The allegations, if taken on its face value, are serious in nature, particularly when it is against a member of the police department. Apparently, this Court had taken note of all these aspects and had accordingly directed the Inspector General of Police to look into the complaint against the Inspector of Police. Since no action was taken, the petitioner herein had filed the present contempt petition.



4. Today when the matter was called, the learned Additional Public Prosecutor produced a copy of a letter dated 18.03.2021 from the petitioner and stated that since the petitioner/complainant had given a statement that no further action is necessary on his petition, further action on the petitioner's complaint was dropped by the Deputy Superintendent of Police, ALGSC., Kangeyam Sub Divison, Tiruppur District. In other words, the Inspector General of Police has chosen to drop all further proceedings on the petitioner's complaint in view of the statement alleged to have been made by the petitioner before him to drop the action against the Inspector of Police.

5. This Court not appreciate the mode in which the Inspector General of Police had chosen to close the petitioner's compliant. This is not a compliant against any ordinary citizen of this country, but rather is against a responsible police officer who is alleged to have taken bribes and have allegedly indulged in threatening the complainant, who had approached this Court by way of filing writ petitions and Criminal Original Petitions. In all fairness, the Inspector General of Police ought not to have considered the alleged statement given by the petitioner, but rather at least could have conducted a preliminary enquiry to verify the veracity of the allegations made by the petitioner.



6. It is needless to point out that in normal circumstances, these kind of allegations would amount to a misconduct, which requires disciplinary proceedings under the provisions of the Tamil Nadu Police Subordinate Service Rules. Thus, the manner in which the complaint seems to have been closed through a reminder memo dated 24.11.2020, is unacceptable.

7. In the light of the above observation, Mr.Sudhakar, Inspector General of Police, West Zone, Coimbatore -18 is directed to conduct a fresh enquiry into the petitioner's complaint dated 27.10.2019, without reference to any of the materials or statement obtained by them which lead to the passing of the 'reminder memo' dated 24.11.2020. After conclusion of the enquiry and if the Inspector General of Police is of the view that the allegations are made out against Mr.S.Ravikumar, the then Inspector of Police, Kangeyam Police Station, further course of action in accordance with the service regulation shall be forthwith initiated against him. On the contrary, if the petitioner's allegations are not proved, it is open to them to drop the complaint, after recording the reasons and by passing a speaking order. The Inspector General of Police, West Zone, Coimbatore shall endeavour to complete such a preliminary enquiry at least within a period of three months from the date of receipt of a copy of this order. The petitioner

<https://hcservices.ecourts.gov.in/hcservices/> is at liberty to challenge the report of the Inspector General of Police.



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8. With the above observation and directions, the contempt petition stands closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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

GS/01/11/2021

To

1. The Inspector General of Police,
West Zone,
Coimbatore.
2. Inspector of Police,
West Zone,
Coimbatore.