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Contempt Petition No.1097 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 26.08.2021**

**Coram**

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE MS. JUSTICE R.N.MANJULA**

**Contempt Petition No.1097 of 2021**

M.Nagamani  
W/o.Moorthy,  
2/71-13, 4<sup>th</sup> Cross Street,  
Mathiyazhagan Nagar,  
Sulur Taluk,  
Coimbatore District

.. Petitioner

Vs.

Mr.Anandarogiyaraj  
The Deputy Superintendent of Police,  
Karumathampatty Police Sub Division,  
Karumathampatty,  
Coimbatore District – 641 659.

.. Respondent

Contempt Petition filed u/s.11 of the Contempt of Courts Act praying to punish the respondent for having committed contempt of the orders of this Court dated 17.04.2021 passed in H.C.P.No.572 of 2021.

For Petitioner : Ms.R.Jothi  
For Respondent : Mr.R.Muniyapparaj  
Government Advocate [Crl.side]

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**ORDER**

[Order of the Court was made by ***P.N.PRAKASH, J***]

The present contempt petition has been filed praying to punish the respondent for having committed contempt of the orders of this Court dated



17.04.2021 passed in H.C.P.No.572 of 2021.

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2. It is the case of the petitioner that her son Sivaselvan, aged about 25 years, was in the illegal custody of one Silambarasan and therefore, she filed H.C.P.No.572 of 2021 for issuance of a Writ of Habeas Corpus.

3. On 17.04.2021, this Court passed the following order in H.C.P.No.572 of 2021:

*'This habeas corpus petition has been filed seeking to direct the second respondent to produce the petitioner's son viz., Sivaselvan, before this Court, from the illegal custody of the third respondent and set him at liberty.*

*2. It is the case of the petitioner that her son Sivaselvan, aged about 25 years, is in the illegal custody of the third respondent and that the police are not taking effective steps to secure him.*

*3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner's son Sivaselvan, aged about 25 years, had eloped with the wife of the third respondent, in connection with which, on a complaint given by the third respondent, a case in Sulur Police Station Crime No.265 of 2019 was registered for 'woman and child' missing. He further submitted that on a complaint given by the petitioner, a fresh FIR has been registered in Sulur Police Station Crime No.331 of 2021 on 16.04.2021 for 'man missing'.*

*4. In view of the above, this is not a case, where, the*



*alleged detenu Sivaselvan, aged about 25 years, is in the illegal custody of anyone for the issuance of writ of habeas corpus.*

*Hence, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Karumathampatti Sub-Division, to monitor the investigation in Sulur Police Station Crime Nos.265 of 2019 & 331 of 2021 and keep the petitioner and the third respondent informed of the developments, if any. As and when the detenu Sivaselvan, aged about 25 years and wife and child of the third respondent are secured, they shall be produced before the Judicial Magistrate Court, Sulur, under intimation to the petitioner and the third respondent. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.'*

Alleging non-compliance of the order dated 17.04.2021, the present contempt petition has been filed.

4. Heard the learned counsel for the petitioner, who submits that the Deputy Superintendent of Police is not taking any steps to secure Sivaselvan and thereby, he has committed wilful contempt of the order passed by this Court in H.C.P.No.572 of 2021 dated 17.04.2021.

5. We find that the present contempt petition is misconceived inasmuch as we have not issued any positive direction to the police to



secure Sivaselvan in a time bound manner. In fact, it is seen that Sivaselvan is said to have eloped with the wife of Silambarasan and in that connection, a case in Sular Police Station Crime No.265 of 2019 has also been registered.

6. Since no positive direction has been issued to the police, there cannot possibly be any breach of the order of this Court for initiating action under the Contempt of Courts Act, 1971.

Accordingly, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gm

//Certified to be true copy//

Dated at Madras this the                      day of                      2022.

COURT OFFICER(O.S.)

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

Gs/30/09/2021

To

1. The Deputy Superintendent of Police,  
Karumathampatty Police Sub Division,  
Karumathampatty,  
Coimbatore District – 641 659.

2. The Public Prosecutor,  
High Court, Madras.