

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED:05.01.2021**

**CORAM:**

**THE HON'BLE MR.JUSTICE T.RAVINDRAN**

**Contempt Petition.No.1000 of 2020**

**in**

**Crl.O.P.No.33937 of 2019**

1. R.Kousalya,  
W/o, Rajendran

2. C.Rajendran  
S/o, Chinnarajulu

Both are residing at  
Plot No.46, Door No.14,  
Sivan Koil Street,  
Rajalakshmi Nagar,  
Thaiyur, via Kelambakkam,  
Chennai- 603 103.

... Petitioners

Vs.

R.Azhagu,  
The Inspector of Police (L&O),  
S-10, Pallikaranai Police Station,  
Pallikaranai,  
Chennai.

... Respondent

**Prayer:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for deliberate and wanton disobedience of the order of this Court dated 25.08.2020 in Crl.O.P.No.33937 of 2019.

For Petitioners : Mr.R.Rangarajan

**ORDER**

The Contempt Petition has been laid by the petitioners seeking to punish the respondent for the deliberate and wanton disobedience of the order passed by this Court dated 25.08.2020 in Crl.O.P.No.33937 of 2019.

2. The Crl.O.P.No.33937 of 2019 has been laid by the petitioners under section 482 Crpc., to transfer the investigation in Crime No.946 of 2019 pending on the file of the third respondent ie., Pallikaranai Police Station to the Director General of Police, CBCID, Egmore, Chennai/first respondent.

3. In the abovesaid Criminal Original Petition, the status report had been filed by the respondent police. The same had been perused by this Court. Further, when the matter was listed on 25.08.2020, the Government Advocate appearing for the respondents represented that further investigation had been conducted in Crime No.946 of 2019 and after the conclusion of the investigation, action has been dropped and the RCS report has been filed before the concerned Magistrate Court on 19.08.2020 in RCS No.07 of 2020. In the light of the abovesaid factors, this Court had directed the petitioners to workout their remedy as per law and with the abovesaid observation, the Criminal Original Petition has been closed vide order dated

25.08.2020.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Now according to the petitioners, the third respondent has committed disobedience of the abovesaid order passed by this Court dated 25.08.2020 deliberately and they had been made to run from pillar to post in search of the closure report said to have been filed in Crime No.946 of 2019 and hence according to the petitioners, the third respondent, in particular, is liable to be punished for contempt.

5. However, on a perusal of the averments contained in the contempt petition and the materials placed on record, it is found that the petitioners had approached the Thasildar office at Sholinganallur and the R.D.O Office at Guindy with reference to the closure report said to have been filed by the third respondent, based on the summons received from the third respondent dated 19.08.2020 and however, the abovesaid authorities had stated that no such closure report had been received from the third respondent and hence according to the petitioners, the third respondent is liable to be punished for the contempt of the order passed by this Court dated 25.08.2020 in CrI.O.P.No.33937 of 2019.

6. As abovepointed out, the CrI.O.P.No.33937 of 2019 has been closed on 25.08.2020 following the submission putforth by the Government Advocate that further action has been dropped and the RCS report has been filed before the concerned Magistrate Court on 19.08.2020 in RCS No.07 of

2020. The facts being above, the petitioners have not averred as to whether they had approached the concerned jurisdictional Magistrate court with reference to the closure report filed by the third respondent police in RCS No.07 of 2020 on 19.08.2020. On the other hand, even as per the case putforth by the petitioners, they have made enquiries about the closure report only at the office of the Tahsildar, Sholinganallur and the R.D.O at Guindy instead of approaching the jurisdictional Magistrate Court as represented by the Government Advocate in CrI.O.P.No.33937 of 2019. Furthermore, it is also noted that the petitioners had approached the abovesaid authorities, based on the summons said to have been issued by the third respondent dated 19.08.2020, whereas the Criminal Original Petition has been closed by this Court only on 25.08.2020, following the submission putfoth by the Government Advocate with reference to the RCS report filed before the jurisdictional Magistrate Court in RCS No.7 of 2020.

7. Taking into consideration of the above facts and circumstances of the case, this Court opines that the third respondent cannot be held to have acted in disobedience of the order passed by this Court dated 25.08.2020 in Criminal Original Petition No.33937 of 2019. As rightly putforth by the petitioners counsel, in the decision reported in **2018(2) Law Weekly (Criminal 522) [Manohari Vs. The District Superintendent of Police,**

***Sivagangai District, Sivagangai & Others]*** , it has been held that the police on the conclusion of the investigation under section 174 Crpc., should file the final report under section 173(2) Crpc., only before the jurisdictional Magistrate and not before the executive Magistrate and the same would apply in both the cases, whether the final report is a positive report or is a closure report.

8. Considering the facts and circumstances of the case as narrated above, this Court opines that the third respondent has not acted in disobedience of the order passed by this Court dated 25.08.2020 in CrI.O.P.No.33937 of 2019. Resultantly, this Court directs the dismissal of the contempt petition.

9. In conclusion, the Contempt Petition is dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mfa

//Certified to be true copy//

Dated at Madras this the day of 2021.

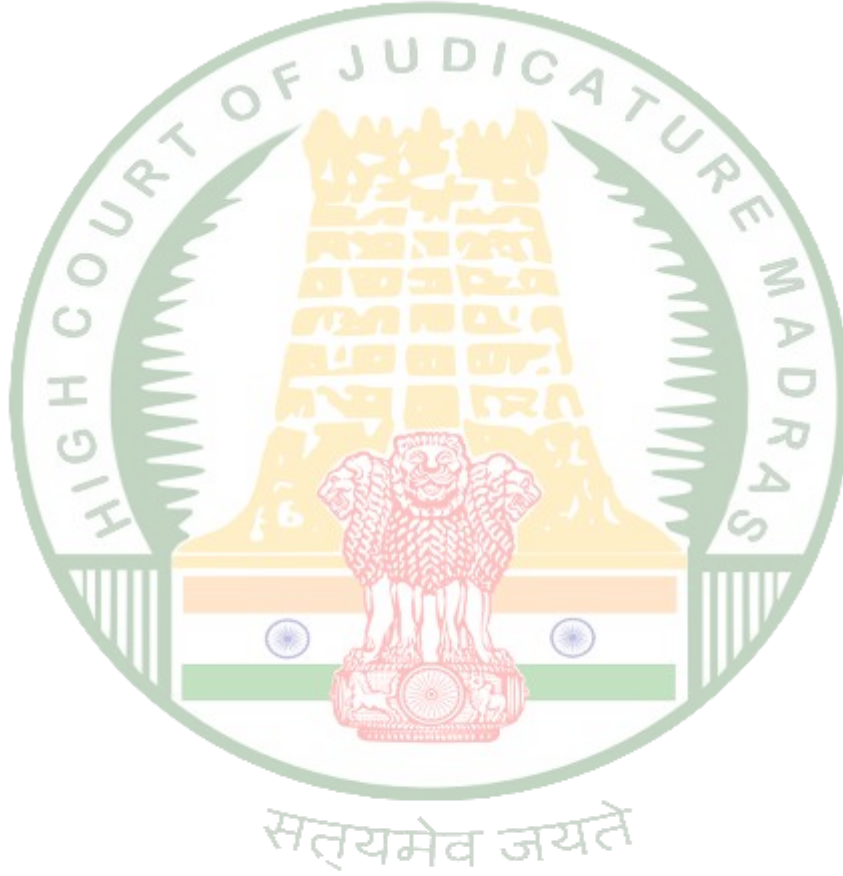
COURT OFFICER(O.S.)

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IM/16/02/2021

To

The Inspector of Police (L&O),  
S-10, Pallikaranai Police Station,  
Pallikaranai,  
Chennai.



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