



Cont.P. No.1057 & 1058 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

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

**CONT PETN. Nos. 1057 AND 1058 OF 2021**

1. C.Subramani,  
Kavalakattu Valasu,  
Keeranur Post,  
Kangeyam Taluk,  
Tiruppur District

..Petitioner in Cont.P.No. 1057 of 2021

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

..Petitioner in Cont.P.No. 1058 of 2021

Vs

Mr.G.Shashank Sai,  
Superintendent of Police,  
Tiruppur,  
Tiruppur District.

..Respondent in both petitions.

**Prayer:** Contempt Petition are 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 CrI.OP.Nos. 27980 if 2019 and 27982 of 2019.

For Petitioner : Ms.N.Premalatha

(in both Petitions)



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For Respondent : Mr.A.Gokulakrishnan, State P.P  
(in both Petitions)

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**COMMON ORDER**

Both these contempt petitions have been filed alleging non compliance of the directions of this Court passed in CrI.OP.Nos. 27980 of 2019 and 27982 of 2019 dated 04.11.2019 whereby, this Court had directed the Superintendent of Police, Tiruppur District to pass necessary orders to transfer the investigations from the file of the Inspector of Police, Kangeyam Police Station. The relevant portion of the order is extracted below;

***“3. In the light of the above observation, there shall be a direction to the Superintendent of Police, Tiruppur District, to pass necessary orders to transfer the investigation in Crime Nos.531 of 2019 and 532 of 2019 from the file of the third respondent herein to any other Inspector of Police, with a further direction to investigate the same. The Superintendent of Police is also called upon to monitor the investigation in both Crime Nos. 531 of 2019 and 532 of 2019 on a day-to-day basis. Such an order of transfer of the investigation shall be effected at least within a period of two weeks from the date of receipt of a copy of this order.”***



2. Pursuant to the orders of this Court, the petitioner has alleged that the respondent police have falsely claimed to have filed the charge sheet and hence this Court had directed issuance of statutory notice to the respondent in the contempt petition, namely Mr.G. Shashank Sai, Superintendent of Police, Tiruppur District.

3. Today, when the matter was called Mr.G. Shashank Sai, who is the present Superintendent of Police, Tiruppur District, is personally present before this Court.

4. The learned Additional Public Prosecutor submitted that in compliance of the orders of this Court, the investigation in FIR No. 532/2019, dated 07.10.2019 has been completed and charge sheet was also filed, which was taken on file by the Judicial Magistrate, Kangayam in C.C.No. 41 of 2021 and the same is pending. Likewise, the investigation in FIR No. 531 of 2019, dated 07.10.2019 has also been completed and the charge sheet has also been laid, which is now been taken on file in PRC.No. 1/2021 before the Judicial Magistrate, Kangayam and the same is pending.

5. It is also the submission that during the course of investigation, the Superintendent of Police had monitored the entire investigation on a day-to-day basis. In this background, this Court is of the view that the

<https://hcservices.ecourtservice.gov.in/> disobedience alleged cannot be termed to be willful in nature.



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6. Ms.Premalatha, learned counsel for the petitioner submitted that earlier she had given a representation dated 11.07.2020 for furnishing certain information to the investigation officer and this Court by an order dated 24.02.2021 passed in Cr.OP.No. 3675 of 2021 had directed the Superintendent of Police, Tiruppur District and the Inspector of Police Vellakovil Police Station to take note of the materials submitted by the petitioner and thereafter file a final report or closure report.

7. The learned Additional Public Prosecutor would submit that even before the respondents had received the representation dated 11.07.2020, the investigation was completed and therefore, the concerned Inspector of Police was directed to consider the representation dated 11.07.2020 and find out whether any *prima-facie* material was there for initiating further investigation under Section 178 of CrPC. In this regard, the action taken pursuant to the orders of this Court dated 24.02.2021 passed in CrI.OP.No. 3673 of 2021, can be construed to have been complied with.

8. At this juncture, it is brought to the notice of this Court that when this Court had earlier passed an order dated 04.11.2019 in CrI.OP.Nos. 27980 & 27982 of 2019, whereby two weeks time was granted for transfer

<https://hcservices.ecourts.gov.in/hcservices/> of the investigation, the concerned Superintendent of Police, Tiruppur



District was Ms.Disha Mittal, IPS and the present respondent namely Mr.G.

Shashank Sai had assumed office of the Superintendent of Police w.e.f. 07.06.2021 only. The cause of action is alleged to have arose from a letter of the Superintendent of Police dated 11.12.2020 which indicated that the same could be termed as disobedience of the orders of this Court.

9.Apparently Mr.G. Shashank Sai, Superintendent of Police was not the concerned Superintendent of Police on 11.12.2020. However, the petitioner herein had unnecessarily impleaded Mr. G. Shashank Sai, Superintendent of Police, Tiruppur District as a respondent and this Court had also found prima-facie contempt and since Mr.Shashank Sai was arrayed as the respondent in the Contempt Petition, this Court was constrained to summon him. It is rather disappointing that the petitioner herein had not taken due care to array the correct individual officer as a party-respondent, particularly when such an individual holds a high rank in the police department. In view of the careless conduct on the part of the petitioner, this Court feels that exemplary costs should be awarded against the petitioner.

10. In the light of the above observation, these Contempt Petitions stand closed, with a direction to the petitioner to pay a sum of Rs.10,000/-

by way of exemplary costs to Mr.G. Shashank Sai, Superintendent of Police,



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Tiruppur District, within a period of 15 days from the date of receipt of a  
copy of this order.

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

GS/01/11/2021

To

Mr.G.Shashank Sai,  
Superintendent of Police,  
Tiruppur,  
Tiruppur District.