

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Contempt Petition No.2760 of 2014

O.Chandrappa
S/o.Obuliyappa,
Nagamanagalam Post,
Hosur Taluk,
Krishnagiri District.

...Petitioner

Vs.

Mr.Kathirvel
The Inspector of Police
Kelambakkam Police Station
Krishnagiri District.

...Respondent

Prayer: Contempt petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for the violation and disobedience of the order passed in Cont.P.No.2512 of 2013 dated 22.04.2014.

For Petitioner : Mr.M.P.Saravanan
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This Contempt Petition has been filed to punish the respondent for the violation and disobedience of the order passed in Cont.P.No.2512 of 2013 dated 22.04.2014.

2.The petitioner herein is the defacto complainant in Crime No.171 of 2008 on the file of the respondent. He had filed CrI.O.P.No.13743 of 2011 for a direction to the respondent to file final report in the case in Crime No.171 of 2008.

3.When the matter was posted for hearing, it had been represented by the then Prosecutor that the F.I.R. had been registered on 04.11.2008 and the same had been closed on 05.11.2008 as mistake of fact and the R.C.S. in this case had been served on the petitioner. Since, the petitioner at that time had represented

that the R.C.S. Notice was not served on him, this Court had directed the respondent to reopen the investigation and conduct further investigation under the supervision of the Assistant Commissioner of Police concerned and file final report. Since that order was not complied with, the petitioner had earlier moved a Contempt Petition No.2512 of 2013 and when the Contempt Petition came up before this Court on 22.04.2014, the then Prosecutor had submitted that since, the R.C.S. Notice had been served on the petitioner, the respondent had not reopened the case for further investigation. However, at that point of time, the then Prosecutor had not produced any acknowledgement to show that the R.C.S. Notice was served on the petitioner. Thereby, this Court by order dated 22.04.2014 had directed the respondent to serve R.C.S. Notice to the petitioner within two weeks from the date of receipt of a copy of the order to enable the petitioner to work out his remedy as per procedure known to law. With that observation, the Contempt Petition was disposed of. Even thereafter, the respondent had not served the R.C.S. Notice on the petitioner and thereby, the present Contempt Petition had been filed seeking to punish the respondent for having committed Contempt of Court by disobeying the order passed in Cont.P.No.2512 of 2013 dated 22.04.2014.

4. When the matter was listed on 07.01.2021, it was submitted by Mr.Iyyappa Raj, the Additional Public Prosecutor that the R.C.S. Notice was

earlier served on the petitioner only after notice in Contempt Petition No.2760 of 2014 and the respondent has twice served the R.C.S. Notice on the petitioner through register post with acknowledgement due on 08.07.2017 and 26.02.2018 respectively. The learned Additional Public Prosecutor would further submit that it is a case and case in counter and on the complaint given by the accused in Crime No.171 of 2008, a case was registered against the petitioner in Crime No.170 of 2008. Though, both the cases were investigated, the respondent filed final report in Crime No.170 of 2008 against the petitioner for offences under Section 447 and 506(2) IPC and the complaint of the petitioner in Crime No.171 of 2008 has been referred as mistake of fact. He would submit that the present Contempt Petition has been filed only to re rack up the issue. He would submit that meanwhile, the final report filed in Crime No.170 of 2008 was taken up in C.C.No.32 of 2009 on the file of the Judicial Magistrate, Denkanikottai and thereafter, both the parties have compromised the matter and they had also filed a compounding application pursuant to which, the learned Magistrate had compounded the case and acquitted the petitioner on 13.03.2018. He would submit that the respondent had duly complied with the orders passed by this Court and further the matter has also been compromised between the parties and the cases have been closed and nothing survives for adjudication.

5. Taking into consideration the fact that that the order of this Court has been complied with and that the matter has been compromised between the parties and the cases are closed and nothing survives for adjudication, this Contempt Petition is closed.

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SD/-

ASSISTANT REGISTRAR(COMM.CASES)

//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/26/03/2021

To

The Inspector of Police,
Kelambakkam Police Station,
Krishnagiri District.

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