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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

Contempt Petition No.1531 of 2021

M.Vignesh
S/o.Muthu Kumar,
No.3/272, Sada gopa Street,
Karapakkam, Chennai – 600 097.

.. Petitioner

Vs.

1.Mr.Hari Kiran Prasad, IPS
The Deputy Commissioner of Police,
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.

2.Mr.Bharathidasan
The Assistant Commissioner of Police,
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.

3.Mr.Suresh Kumar
The Inspector of Police,
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.

4.Ms.Gayatri Devi
The Sub-Inspector of Police,
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.

.. Respondents



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Contempt Petition filed under Section 10 of the Contempt of Courts Act, praying to punish the respondents 3 and 4 for violating the order passed in CrI.M.P.No.6928 of 2021 dated 12.08.2021 under the Contempt of Courts Act, 1971.

For Petitioner : Mr.M.Vignesh
Party-in-Person
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed praying to punish the respondents 3 and 4 for violating the order of learned XVII Metropolitan Magistrate, Saidapet, Chennai, passed in CrI.M.P.No.6928 of 2021 dated 12.08.2021 under the Contempt of Courts Act, 1971.

2. The petitioner, who appeared as party-in-person, is an Advocate.

3. The petitioner's mother had let out a property for rent to one Saravana Store Gold Palace Pvt. Ltd. under a rental agreement dated 08.09.2017. Alleging that the said tenant was in arrears of rent, the petitioner approached one Ganesh,



Manager of Saravana Store Gold Palace Pvt. Ltd. and asked for the arrears of rent.

It is further alleged that the said Ganesh threatened the petitioner. On these allegations, the petitioner filed a petition in CrI.M.P.No.6928 of 2021 u/s.156(3) Cr.P.C, before the XVII Metropolitan Magistrate, Saidapet, Chennai, in which, the learned Magistrate, by order dated 12.08.2021, had directed the Inspector of Police, R1 Mambalam Police Station, to investigate the matter. Pursuant to the order passed by the learned Magistrate, the police have registered a case in Mambalam P.S.Crime No.659 of 2021 for the offences u/s.294(b) and 506(i) IPC. The petitioner, not being satisfied with the registration of the case, has filed the present Contempt Petition alleging that the police should have included other sections of the IPC like sections 406, 420 IPC etc.

4. Heard Mr.M.Vignesh, Party-in-Person, who submitted that the possession of the property had been handed over to the petitioner's mother and that there is arrears of rent payable by the tenant.

5. It is seen that the tenancy was founded on the Tenancy Agreement dated 09.10.2018 and if there is any breach of the same, the remedy is before the civil Court and not by way of a petition u/s.156(3) Cr.P.C. In our opinion, the petitioner, who is an advocate, has ingeniously given a criminal colour to a purely civil dispute. Not being satisfied with the registration of the FIR by the police, the



petitioner has filed this contempt petition arraying the Deputy Commissioner of Police, R-1 Mambalam Police Station, as a respondent. We strongly deprecate this arm twisting tactics adopted by the petitioner. We would have dismissed this petition with exemplary costs but for the fact that the petitioner is a young junior advocate and we don't want to prejudice his career.

Accordingly, this Contempt Petition is closed with liberty to the petitioner to work out his remedy before the appropriate forum for recovery of arrears of rent, if any.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2022.

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/11.03.2022



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To

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1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600 017.