



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

THURSDAY, THE 23RD DAY OF DECEMBER, 2021

THE HON'BLE MR.JUSTICE M.DHANDAPANI

SUB APPLICATION No.533 OF 2021

IN

CONTEMPT PETITION No.683 OF 2014

R.SARAVANAKUMAR,
SON OF RAJASEKARAN,
NO.5/1372, PUE SCHOOL ROAD,
ELAKIYAMPATTI,
DHARMAPURI - 636 705

...PETITIONER/PETITIONER

Vs

MR. RAJA SOMASUNDARAM,
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT,
DHARMAPURI.

...RESPONDENT/RESPONDENT

Sub.Application filed under section 151 of CPC praying that this Court be pleased to reopen/revive the contempt petition in CONT.P.No. 683 of 2014.

The above Sub Appliacion coming on this day before this Court for hearing in the presence of M/s.R.Jayaprakash, learned Counsel for the Petitioner herein; and of Mr.R.Muniyapparaj, learned Additional Public Prosecutor(Crl. Side) appearing for the respondent herein; and upon reading the petition and the affidavit of R.Saravanakumar, filed in the Sub Application herein; the Court made the following order:-



"The petitioner preferred a complaint on 03.12.2013 before the respondent herein and since the same was not registered, he filed Crl.O.P.No.32169 of 2013 before this Court and this Court vide order dated 13.12.2013 disposed of the said petition by directing the respondent herein to register a case on the complaint of the petitioner dated 03.12.2013 and since the same was not complied with, the petitioner filed Contempt Petition No.683 of 2014 before this Court.

2.Contempt Petition No.683 of 2014 was closed by this Court vide order dated 10.02.2020 with an observation that 'in view of the order passed in Crl.O.P.Nos.8822, 10866 & 10265 of 2013 and in Crl.O.P.Nos.9248 & 18474 of 2014, no further adjudication is required in this petition.'

3.However, the complaint of the petitioner was not registered. According to the petitioner, the act of the respondent in misleading the Court with false representation is atrocious and illegal. Hence, the petitioner has filed this sub application seeking to reopen/ revive Contempt Petition No.683 of 2014.

4.This Court vide order dated 03.12.2021 made in this sub application directed the respondent to appear before this Court on 23.12.2021. Thereafter, the respondent has registered a case based on the petitioner's complaint in Crime No.15 of 2021 for the offence under



Section 465 of I.P.C., on 08.12.2021.

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5. Pursuant to the order dated 03.12.2021, the respondent who is presently working as Deputy Superintendent of Police, Prohibition Enforcement Wing, Dharmapuri (formerly worked as the Inspector of Police, District Crime Branch, Dharmapuri) appeared before this Court today (23.12.2021).

6. The learned Additional Public Prosecutor (Crl. Side) appearing for the respondent submitted that this Court vide order dated 13.12.2013 disposed of Crl.O.P.No.32169 of 2013 by directing the respondent herein to register a case on the complaint of the petitioner dated 03.12.2013, however, no time limit was prescribed and hence the respondent was not able to comply with the order in time, however, the said order was complied with by the respondent by registering the case on 08.12.2021.

7. The learned Additional Public Prosecutor (Crl. Side) appearing for the respondent also filed an unconditional apology affidavit filed by the respondent dated 23.12.2021, wherein, in paragraph no.6 it is stated as follows:

“6. I submit that I have accepted my delay for belatedly filed a FIR is concerned and ready to accept to pay Rs.25,000/- to the Tamil Nadu Police Detective Dog Squad, AR Campus, Dharmapuri District within a period of 4 weeks.”



8. Since the order dated 13.12.2013 passed by this Court in Crl.O.P.No.32169 of 2013, which is the subject matter of the contempt petition has now been complied with and since the respondent has undertook to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Tamil Nadu Police Detective Dog Squad, AR Campus, Dharmapuri District within a period of 4 weeks, for the delay in filing the FIR, this Court is inclined to close this sub application.

9. This sub application is closed. The respondent is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Tamil Nadu Police Detective Dog Squad, AR Campus, Dharmapuri District, within a period of 4 weeks from the date of receipt of a copy of this order. It is made clear that mere payment of the amount by the respondent would not amount to admission of guilt and the said payment is not the subject matter of disciplinary proceedings. ”

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, THE ACTING CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 23rd DAY OF DECEMBER 2021.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)



MK/18/02/2022

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SUB APPLICATION No.533 OF 2021
IN
CONTEMPT PETITION No.683 OF 2014
THE HON'BLE MR.JUSTICE

M.DHANDAPANI

ORDER
DATED :23/12/2021

FOR APPROVAL : 18/02/2022

APPROVED ON : 21/02/2022

TO:

MR. RAJA SOMASUNDARAM,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT,
DHARMAPURI.

COPY TO:

1. THE PUBLIC PROSECUTOR,
HIGH COURT,
MADRAS – 600 104.

2. THE TAMIL NADU POLICE DETECTIVE
DOG SQUAD,
AR CAMPUS,
DHARMAPURI DISTRICT