



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 14.09.2021

Delivered On : 30.11.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE R.THARANI

Cont.P.(MD)No.839 of 2021

WEB COPY

Palanivel

... Petitioner/Petitioner

Vs.

1.Rabali Priya, IPS.,
Superintendent of Police,
Dindigul District,
Dindigul.

2.Srinivasagan,
Inspector of Police,
Ottanchathiram Police Station,
Dindigul District,
(In Crime No.1593 of 2020).

... Contemnors/Respondents

PRAYER: This petition is filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnors/respondents for their deliberate and willful disobedience of the order of this Court made in Crl.O.P.(MD)No.4273 of 2021 dated 19.03.2021.

Prayer in CRL OP(MD). 4273/ 2021 :

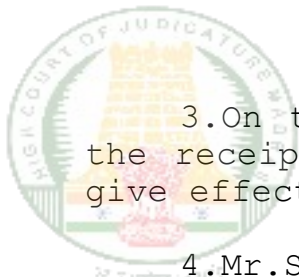
Criminal Original Petition filed under section 482 of Cr.P.C to direct the Respondent to expedite the investigation and to file the final report in Crime No. 1593/2020 pending on the file of the 2nd Respondent Police within a time limit as fixed by this Honourable Court.

For Petitioner	: Mr.P.Krishnasamy
For Respondents 1 and 2	: Mr.Sanjay Gandhi
	Govt. Advocate (Crl.Side)

ORDER

This contempt petition has been filed to punish the contemnors/respondents for their deliberate and willful disobedience of the order of this Court made in Crl.O.P.(MD)No.4273 of 2021 dated 19.03.2021.

2.The petitioner has filed a Criminal Original Petition to direct the respondents to complete the investigation in Crime No.1593 of 2020 and to file a final report. This petition was allowed by this Court on 19.03.2021, directing the respondents to investigate and to file a final report in two months time.



3.On the side of the petitioner, it is stated that even after the receipt of the order copy, the respondents have not chosen to give effect to the directions and they have to be punished.

4.Mr.Sanjay Gandhi, learned Government Advocate (Crl. Side) who takes notice for the respondents, has submitted that the investigation was done and the case was closed as 'mistake of fact' on 27.03.2021. Notice was served to the petitioner by pasting the copy of the notice in the office cum residence of the petitioner, Village Administrative Officer, Village Assistant on 09.07.2021 and the final report was presented before the Judicial Magistrate, Ottanchathram on 20.07.2021 and a notice was sent by the Court for the appearance of the petitioner on 31.08.2021. On that date, the petitioner was absent. The matter was not adjourned. Order on the final report is yet to be passed by the learned Judicial Magistrate.

5.When did the respondent received the copy of the order was not stated in the petition. Since two months time was granted from the date of receipt of copy of that order, the date of receipt of copy of the order is to be proved by the petitioner. No such steps was taken by the petitioner. Final report was already filed.

6.In the above circumstance, it cannot be decided that the respondents wilfully failed to follow the directions of this Court within the time limit.

7.In view of the above, this Contempt Petition is dismissed. No Costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Dindigul District,
Dindigul.

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



2.The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:-

THE JUDICIAL MAGISTRATE,
OTTANCHATHRAM.

Cont.P.(MD)No.839 of 2021
30.11.2021

ARK(CO)
GC(10.12.2021) 3P 5C