



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.221 of 2022

Gunasekaran,
Vadivelampalayam,
Kolaram Village,
Paramathi Velur Taluk,
Namakkal District

: Petitioner

VS.

1.Mr.Rajaranaveeran
The Deputy Superintendent of Police/
Investigation Officer,
Paramathi Velur,
Namakkal District.

2.Ravichandran
The Inspector of Police,
Nallur Police Station,
Namakkal District.
Crime No.678 of 2020

: Respondents

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willful disobedience of the order dated 12.03.2021 in CrI.M.P.No.2971 of 2021 in CrI.O.P.No.4611 of 2021 passed by this Court.

For Petitioner : Mr.A.Padmanaban

For Respondent : Mr.S.Vinoth Kumar
Government Advocate

**ORDER**

Pursuant to the notice issued by this court on 04.03.2022, the Deputy Superintendent of Police and the Inspector of Police were present at the time of hearing.

2.A Status Report was also filed and both the respondents have tendered unconditional apology. The relevant portions in the status report are extracted hereunder:

4.I humbly submit that this Hon'ble Court was pleased to grant Interim Stay of the investigation in this case by way of its order dated 12-03-2021 in Crl.O.P.No.4611 of 2021 and Crl.M.P.No.2917 of 2021. I further submit that the copy of the said order was received by me and the Inspector of Police only on 19.04.2021. I humbly submit that until receiving the copy of the order of interim stay issued by this Honourable Court, I had no knowledge about the same.

5.I humbly submit that I received notice from the office of Additional Public Prosecutor to appear before the Public Prosecutor with the C.D. File and give instructions, to which we had obliged, as the stay petition was listed for hearing on 12-03-2021. I further humbly submit that as myself and the 2nd respondent/Inspector of Police were engaged on emergent works Head Constable No.1754 Mr.Subramaniam of Nallur Police Station was deputed to the Court work in this matter.

6.I humbly submit that the Head Constable Mr.Subramaniam met the concerned Additional Public Prosecutor on 12-03-2021, gave



instructions to the Additional Public Prosecutor and returned back to duty. I further submit that we were not informed and there was absolutely no knowledge of passing the said stay orders by this Honourable Court. I further submit that the copy of the stay order was dispatched by the Registry of this Hon'ble High Court on 16-04-2021 and were received by me and the 2nd Respondent only on 19-04-2021.

7.I humbly submit that the act of proceeding with the investigation and filing of final report before the jurisdictional Court even after this Hon'ble Court had stayed the investigation, is purely accidental and not deliberate or wilful. I further submit that the 2nd Respondent had assumed charge in the concerned Nallur Police Station as Inspector of Police only on 07-08-2021 and he was not concerned with the investigation or filing of final report in this case. I further submit that the Learned Jurisdictional Court, where the final report was filed had stopped proceeding with the proceedings of the said case in view of the said stay orders of this Honourable Court.

8.I humbly submit that we have great respect and regards for the orders passed by this Hon'ble Court. I humbly submit that we have not willfully or deliberately disobeyed the interim Order dated 12-03-2021 made in in Crl.O.P.No.4611 of 2021 and Crl.M.P.No.2917 of 2021. I humbly submit that in case, if this Hon'ble Court comes to conclusion that we have violated the order of this Hon'ble Court, we hereby tender our unconditional apology.



3. Considering the explanation given by the respondents, this Court does not want to any further escalate this case. Liberty is granted to the petitioner to challenge the final report by amending the pending criminal original petition or by filing a fresh criminal original petition. The Court below shall await further orders that will be passed in the petition challenging the final report filed by the respondents.

4. This contempt petition is disposed of accordingly.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

SSR

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/25/05/2022

To

1. The Deputy Superintendent of Police/
Investigation Officer,
Paramathi Velur,
Namakkal District.

2. The Inspector of Police,
Nallur Police Station,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras 104