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Cont.P.No.498 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Cont.P.No.498 of 2022

K.Saravanan
S/o, Kandasamy,
Gandhi Nagar,
Udayarpalayam,
Gangavalli Taluk,
Salem District

... Petitioner

Vs.

K.Murugesan,
The Inspector of Police,
Thammampatty Police Station,
Gangavalli Taluk,
Salem District.

... Respondent

Prayer:

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for his willful disobedience of the order of this Court dated 19.07.2021 passed in CrI.O.P.No.12432 of 2021.

For Petitioner : Mr.N.Manoharan
For Respondent : Mr.S.Sugendran
Government Advocate (CrI.Side)

ORDER

This Contempt Petition has been filed by the petitioner seeking to



punish the respondent/Police, for his willful disobedience of the order of this Court dated 19.07.2021 passed in CrI.O.P.No.12432 of 2021.

2. While dealing with CrI.O.P.No.12432 of 2021, this Court, by order dated 19.07.2021, has given specific direction to the respondent herein to complete the investigation and to lay a charge sheet with regard to Crime No.203 of 2018 on the file of the Thammampatti Police Station, on or before 24th September 2021.

3. Mr.N.Manoharan, learned counsel appearing for the petitioner has submitted that the de-facto complainant had made copy application on 10.11.2021 before the Judicial Magistrate No.II, Attur, seeking the certified copy of the final report, if filed in Crime No.203 of 2018. The said application was returned, stating the reason that no charge sheet has been filed as on date. It clearly shows that the order of this Court has not been complied with.

4. Mr.S.Sugendran, learned Government Advocate, (Criminal Side) appearing for the respondent submitted that investigation has already been completed and the case was closed as “mistake of fact”. However, by oversight, they could not file the final report before the concerned learned Magistrate.



5. The contention of the learned Government Advocate is not acceptable. Because, even on the date of hearing, if the Inspector of Police of the concerned police station informed to the Government Advocate, he could have brought the same before this Court, which has clearly proved the lethargic attitude of the Police official. This Court by order dated 19.07.2021 in CrI.O.P.No.12432 of 2021, had directed the Thammampatti Police to complete the investigation and to lay a charge sheet on or before 24th September 2021. On a perusal of the record, it shows that the respondent police has not filed charge sheet within the stipulated time. Further, on a perusal of the reasons stated in the affidavit filed by the Police officer, it shows that the contemnors have not filed the charge sheet within the stipulated time and it is very shocked to see that they are not aware of the order of this Court and he came to know about the order after receiving the pre-contempt legal notice. This attitude of the Police officer is very worst. He has stated in the affidavit that he joined duty in the said Police station on 08.08.2021. He admitted that he received the legal notice on 06.01.2022. From the date of joining in the Police station to till 06.01.2022, he was not aware of the details about the cases which are pending in the said Police station, what are the directions given by the Court, in how many cases the Court has given directions, how many cases are pending with the Court etc.,



Still it is worse that the contemnor has not taken any steps to know about the pending cases in the Police station. Therefore, it is proved that the contemnor Murugesan, who is the Inspector of Police in the said Police station from 08.08.2021 to till date, has not complied with the order of this Court, even after receiving the notice from 06.01.2022 to till now. Hence, he is not entitled to get salary from the Government during the period that he was working as Inspector of Police in the said Police station, as he is expected to perform his duties to the expectation of the public. Therefore, he is liable to re-pay the entire salary received from 08.08.2021 to till date. Likewise, on the date of filing the case, one Mr.Senthilkumar, was the Inspector of Police has not given any attention to the order of this Court and also not given any information about the order of this Court to his successor. He should have either complied with the order of this Court or should have given instructions to his successor ie., to Mr.Murugesan, the Inspector of Police about the pending cases and also the directions of this Court. He was neither taking care of the Court order nor given instructions to his successor to comply with the order of this Court. It shows the lethargic attitude of the Police Official towards the Court order. Therefore, this Court is inclined to pass the following order:-



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i. The Commissioner of Police, Salem is directed to take departmental action against both Mr.Senthilkumar, the then Inspector of Police, Thammampatti Police station, now the Inspector of Police, Karripatty Police Station, Salem District and also Mr.Murugesan, the Inspector of Police, Thammampatti Police Station.

ii. The Superintendent of Police, Salem, is directed to recover the salary of Mr.K.Murugesan, the Inspector of Police, Thammampatti Police Station, Salem District, for the period from 08.08.2021 to 12.04.2022 and also recover the salary of Mr.Senthilkumar, the then Inspector of Police, Thammampatti Police Station now serving as the Inspector of Police, Karripatty Police Station, Salem District, for the period from 19.07.2021 to till the date of his relieving from the post of Inspector of Police, Thammampatti Police Station, at the earliest.

iii. The Inspector General of Police, West Zone is hereby directed to withdraw the F.I.R. in Crime No.203 of 2018 on the file of the Thammampatti Police Station and transfer the same to some other Police station in Coimbatore District to investigate the matter and to file the charge sheet within a period of three months preferably on or before 29.07.2022.



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6. With the above said directions, the Contempt Petition is disposed of.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mfa

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/18/04/2022

Copy to:

1. The Commissioner of Police, Salem.
2. The Superintendent of Police, Salem.
3. The Inspector General of Police, West Zone.
4. The Inspector of Police,
Thammampatty Police Station,
Gangavalli Taluk, Salem District.
5. The Inspector of Police,
Karripatty Police Station,
Salem District.
6. The Public Prosecutor,
High Court,
Madras.