



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 01.07.2022

PRONOUNCING ORDERS ON : 04.07.2022

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.303 of 2022
in Crl.OP.No.20261 of 2018

Mr.Seralathan

... Petitioner/Petitioner

vs.

Mr.Shankar Jiwal IPS
The Commissioner of Police
Greater Chennai City Police
Vepery
Chennai 600 007.

..Respondent/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for willfully disobeying the orders of this Court passed in Crl.OP.No.20261 of 2018 dt.10.02.2021.

For Petitioner : Mr.V.T.Narendiran
Mr.R.P.Prathap Singh

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Asst.by:
Mr.V.J.Priyadarshana
Government Advocate (Crl.Side)

**ORDER**

This contempt petition was filed on the ground that the respondent did not comply with the order passed by this Court in the Criminal Original Petition, in letter and spirit.

2.The petitioner filed the criminal original petition for a direction to the respondent to initiate action against the delinquent police officers in obedience to the judgment passed by the trial Court in C.C.No.2638 of 2016, dated 19.04.2018.

3.The trial Court while acquitting the accused person, observed in its judgment that one of the witness viz., Geetha (PW-7) had made a very serious allegation to the effect that she signed in the FIR only on the compulsion of the Assistant Commissioner and the Inspector of Police and hence, directed the department to conduct an enquiry in this regard. Since the enquiry was not conducted, the criminal original petition was filed before this Court, seeking for appropriate directions.

4.This Court carefully considered the submissions made on either side and the materials available on record.

5.Pursuant to the directions issued by this Court, the Deputy Commissioner of Police, Madhavaram was appointed as the enquiring authority and he conducted an enquiry and submitted a report. He



concluded that there is no material to proceed against the Assistant Commissioner and Inspector of Police and he also came to a conclusion that Geetha, who was the Sub Inspector of Police during the relevant point of time had provided a false information before the Court at the time of adducing evidence. In view of this report, departmental proceedings were initiated against the said Geetha and punishment of stoppage of increment was imposed against her.

6. There was yet another enquiry that was directed to be conducted by the Deputy Commissioner of Police, Flower Bazaar and he came to a conclusion that departmental proceedings must be initiated against the Inspector of Police also since he did not properly guide the Sub Inspector of Police during investigation. He also rendered a finding to the effect that there was no material to proceed against the Assistant Commissioner of Police. Based on the above report, departmental proceedings were initiated against the Inspector of Police and a punishment of stoppage of increment for three years was imposed.

7. The learned counsel for the petitioner submitted that the Sub Inspector of Police, viz., Geetha was made to suffer a punishment for speaking the truth in the Court. It was further submitted that this Court directed the Commissioner of Police, to conduct the enquiry and whereas the Joint Commissioner had directed the Deputy Commissioner of Police to



conduct the enquiry and the same is not in accordance with the directions issued by this Court. The learned counsel also submitted that the petitioner was issued summons to give his statement when the departmental proceedings were initiated against the Sub Inspector of Police-Geetha. It was therefore submitted that the petitioner was not put on notice when the enquiry is said to have been conducted against the Inspector of Police and the Assistant Commissioner of Police.

8.This Court while deciding this contempt petition must only see if there was a deliberate disobedience of the orders passed by this Court and whether there was a contumacious conduct on the part of the contemnor. This position was made clear by the Hon'ble Supreme Court in **Patel Rajnikant Dhulabhai v. Patel Chandrakant Dhulabhai** reported in **2008 7 MLJ 376**.

9.In the present case, the trial Court based on the evidence of PW-7 directed the department to conduct an enquiry against the Inspector of Police and the Assistant Commissioner of Police. Enquiry has been conducted twice by two different Deputy Commissioner of Police. It was found that the allegation made by the said Geetha was not true. Reasoning has also been given to come to such a conclusion. Hence, departmental proceedings were initiated against the said Geetha for making a false statement before the Court and punishment of stoppage of increment for one year was imposed



against her. Punishment was also imposed against the Inspector of Police for a different reason. On the over all consideration of the materials placed before this Court, this Court does not find any willful disobedience of the orders passed by this Court and the directions issued by the trial Court in the judgment passed in C.C.No.2638 of 2016, has been complied with. The personal grievance of the petitioner that a false case was foisted against him and he underwent incarceration for nearly 17 days during the pre-trial stage, is not a matter which will have any bearing while deciding this contempt petition. The petitioner may not be satisfied with the result of the departmental proceedings. That does not have any bearing while deciding this contempt petition since the limited issue to be gone into in this contempt petition is to see if there is a willful disobedience of the orders passed by this Court. This Court does not find any willful disobedience or contumacious conduct on the part of the respondent.

10. In view of the above, this contempt petition is closed.

04.07.2022

Internet : Yes/No
Index : Yes/No
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To
Mr. Shankar Jiwal IPS
The Commissioner of Police
Greater Chennai City Police
Vepery, Chennai 600 007.



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N. ANAND VENKATESH, J.

KP

Pre Delivery Order in
Contempt Petition No.303 of 2022
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04.07.2022