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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 22.04.2022

Coram::

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

Contempt Petition No.570 of 2022

Joy Thomas.T.A.  
S/o.K.T.Abraham,  
Cafe Manager,  
Authorized Representative of M/s.Miraj Entertainment Limited,  
C-3, West Indirani Nagar,  
27<sup>th</sup> Cross Street, T.P.Chathiram,  
Shenoy Nagar, Chennai – 600 030. ... Petitioner

**/versus/**

1. Shri.Shankar Jiwal, I.P.S.,  
The Commissioner of Police,  
Greater Chennai Corporation,  
Commissioner Office Building,  
EVK Sampath Road, Vepary,  
Periyamet, Chennai – 600 007.
2. Shri.C.Poomaran,  
The Police Inspector (Crime),  
M.G.R Nagar Police Station,  
R-10, Guru Siva Street, Sapthagiri Colony,  
West Jaffer Khanpet, Chennai – 600 083.
3. M.K.Mathivathanan, S/o.Late M.Kasi Nadar,  
No.9/96, Kasi Industrial Complex, 1<sup>st</sup> Floor,  
Ponnurangam Salai, Khaikankuppam,  
Valasaravakkam, Chennai – 600 087. ... Respondents



**Prayer:** This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents in the manner this Hon'ble Court deems fit and proper for deliberately committing contempt by wilful disobedience of the order dated 11.11.2020 of this Hon'ble Court in CrI.O.P.No.17976 of 2020 and pass order.

For Petitioner : Mr.P.Ayyamperumal

For Respondents : Mr.S.Santhosh,  
Government Advocate (CrI.Side)

### **ORDER**

This petition is filed alleging that the respondents have committed contempt by not obeying the order of this Court dated 11.11.2020 namely to register the F.I.R, within period of three weeks, from the date of receipt of copy of this order.

2. In a complaint before the XXIII Metropolitan Magistrate, Saidapet, Chennai, under Section 156 (3) of Cr.P.C., a direction was issued by Magistrate to register the F.I.R and file final report. However, there was no action on the part of the respondent police. Hence, the petitioner herein was advice to file petition under Section 482 of Cr.P.C., before this Court seeking direction. Accordingly, CrI.O.P.No.17976 of 2020 was filed before this Court and this Court, on considering the facts had disposed the petition on 11.11.2020 with a direction that F.I.R should be registered within period of three weeks, from the date of receipt of



copy of this order. It appears that, the order copy was dispatched from this Court on 10.12.2020 the date of receipt of the order copy by the respondents 1 & 2 is not known. It is admitted that, F.I.R was registered on 22.06.2020 and taken up for investigation.

3. The Learned Government Advocate (Crl.Side) would submit that the complaint was registered in Crime No.462 of 2021 against one Mathivathanan for offence under Section 424 and 506(1) of I.P.C and taken up for investigation.

4. Prima facie, investigation has disclosed it is a civil dispute and parties has to work out their remedy before the competent Civil Court. Later, the accused Mathivathanan who fell sick and could not participate in the investigation, died on 31.05.2021.

5. Further the Learned Government Advocate (Crl.Side) would submit that, delay in registering the F.I.R was due to change of Investigating Officer and pandemic situation prevailing at that point of time and it was not wilful disobedience of the respondent. On considering the fact and the grievance of the petitioner herein, this Court directs the 2<sup>nd</sup> respondent to file final report before the concern Judicial Magistrate, within period of 30 days, from the date of receipt of copy of this order and furnish copy of the same to the petitioner herein. On such filing of final report, it is open to the petitioner herein to file necessary protest petition if he advised so and work out his remedy in accordance with law.



As far as this contempt petition is concerned, the explanation given by the Government Advocate (Crl.Side) for not registering the F.I.R within time prescribed is accepted and recorded. Hence, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

bsm

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25<sup>th</sup> day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Gs/29/04/2022

To,

1. The Commissioner of Police,  
Greater Chennai Corporation,  
Commissioner Office Building,  
EVK Sampath Road, Vepary,  
Periyamet, Chennai – 600 007.
2. The Police Inspector (Crime),  
M.G.R Nagar Police Station,  
R-10, Guru Siva Street, Sapthagiri Colony,  
West Jafferkanpet, Chennai – 600 083.
3. The Public Prosecutor,  
High Court, Madras.