



Contempt Appeal No.9 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2022

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

Contempt Appeal No.9 of 2022

S.Vasanthi

.. Petitioner

Vs.

M.Baggiyalakshmi
Inspector of Police
District Crime Branch
Namakkal District

.. Respondent

Contempt Appeal preferred under Section 19(1) of the Contempt of Courts Act, 1971, against the order of the learned Single Judge dated 31.01.2022 passed in Contempt Petition No.1330 of 2021.

For Petitioner : Mr.Kandhan Duraisami

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



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J U D G M E N T

[Delivered by P.N.PRAKASH, J.]

For the sake of convenience, the parties will be referred to by their respective names.

2. Vasanthi initiated proceedings in Contempt Petition No.1330 of 2021 before a learned Single Judge of this Court alleging that Baggiyalakshmi, Inspector of Police, District Crime Branch, has failed to comply with the order dated 16.03.2021 in CrI.R.C.No.112 of 2021.

3. It may be pertinent to extract the operative portion of the order dated 16.03.2021 passed in CrI.R.C.No.112 of 2021 :

“11.A reading of the materials, the respondent police before filing the Referred Charge Sheet has not completed the investigation in fair and proper manner. Therefore, the order passed by the learned Judicial Magistrate, Tiruchengode dated 18.12.2020 in C.M.P.No.1045 of 2020 warrants interference of this Court and the same is liable to be set aside and accordingly, set aside. The respondent police is directed to conduct fresh investigation in crime No.32 of 2011 on the complaint given by the petitioner dated 31.08.2011 and file the charge sheet in accordance with law.



12. Since the matter is pertaining to the alleged forgery in the year 2009 and complaint given in the year 2011, the respondent Police is directed to expedite the investigation and file the charge sheet in accordance with law within a period of three months from the date of receipt of a copy of this order. The respondent police is further directed to file compliance report before this Court.

13. In the result, this Criminal Revision Case stands allowed, with the above directions. Consequently, the connected Miscellaneous Petition is closed.”

4. As state above, alleging non-compliance of the above directions, Vasanthi preferred Contempt Petition No.1330 of 2021, in which, the learned Single Judge, by order dated 31.01.2022, exonerated Baggiyalakshmi.

5. It may be appropriate to extract the relevant portion of the order dated 31.01.2022 passed in Contempt Petition No.1330 of 2021 :

“8. On a careful perusal of the records, this Court does not find that the respondent police wilfully disobey the order of this Court. Since the respondent police, after completion of investigation, has filed charge sheet before the Jurisdictional Magistrate Court, the petitioner can file protest petition before the Judicial Magistrate and proceed with the case in accordance with law. Though this Court finds that the capacity of the investigating officer is not up to the mark and within her capacity she has investigated the case, the



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incapacity of the investigating officer cannot be treated as wilfully disobey the order of this Court.”

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Aggrieved by the above, Vasanthi has filed the present contempt appeal on the ground that Baggiyalakshmi should not have been exonerated, but should have been punished.

6. In our opinion, under Section 19 of the Contempt of Courts Act, an appeal can be maintained, only where a punishment has been imposed by a learned Single Judge and not against the exoneration (acquittal) of the alleged contemnor, *vide* para 11(II) of ***Midnapore Peoples' Co-op. Bank Ltd. and Others Vs. Chunilal Nanda and Others 2006(5)SCC 399.***

Hence, this contempt appeal stands dismissed as being bereft of merits.

[P.N.P., J.] [T K R, J.]
08.11.2022

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