



WEB COPY



Cont.P.No.1332 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..10..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Contempt Petition No.1332 of 2022

R.Babu

..... Petitioner

-Versus-

Mr.G.N.Kumar,
Inspector of Police,
C-4, Pennalurpet Police Station,
Pennalurpet, Thiruvallur District,
PIN Code 602026.

.... Respondents

Petition filed under Section 10 of The Contempt of Courts Act, 1971,
praying to punish the respondent for the wilful disobedience of the order
dated 18.03.2022 passed by the learned District Munsif-cum-Judicial
Magistrate, Uthukottai, in C.M.P.No.276 of 2022

For Petitioner : *Mr.S.Kathiravan*

For Respondent : *Mr.R.Muniyapparaj,*
Addl. Public Prosecutor



Cont.P.No.1332 of 2022

ORDER

WEB COPY This Contempt Petition has been filed by R.Babu seeking to punish the respondent-Inspector of Police, C-4, Pennalurpet Police Station, Pennalurpet, Thiruvallur District, for the wilful disobedience of the order dated 18.03.2022 passed by the learned District Munsif-cum-Judicial Magistrate, Uthukottai, in C.M.P.No.276 of 2022.

2. The petitioner herein and one Mahesh are neighbours. There appears to be a boundary dispute between them. On 22.01.2021, a quarrel ensued between the family of the petitioner and family of the said Mahesh, in which, both of them have traded blows. In that fracas, it is alleged that the petitioner's mother Gnanammal, aged 65, was allegedly pushed down by the members of the opposite party. In connection with this, complaints and counter complaints were given to the Inspector of Police, C-4, Pennalurpet Police Station, and petition enquiries in CSR Nos.31, 34, 36, 37 & 38 of 2021 were registered. The persons, who had sustained injuries, were sent to the Government Hospital, Tiruvallur, for treatment. After conducting some preliminary enquiries, the police registered two FIRs viz., in Crime No.23 of



Cont.P.No.1332 of 2022

2021 and Crime No.24 of 2021 both for the offences under Section 294(b) and 323 IPC. Gnanammal was treated as out-patient in the Government Hospital, Tiruvallur and thereafter, she got herself admitted in Sudaram Medical Foundation in Chennai, for treatment from where, she was referred to Rajiv Gandhi Government General Hospital, Chennai, where she died 12.02.2021 at 03.15 p.m.

3. On the complaint given by the petitioner, a case in Pennalurpet P.S. Crime No.31 of 2021 under Section 174 Cr.P.C. was registered in connection with the death of Gnanammal. Thereafter, an inquest was conducted on the body of Gnanammal and, then, the dead body was sent for postmortem. Alleging that the police had not registered a case under Section 302 of IPC and instead had registered the case under Section 174 Cr.P.C., the petitioner filed C.M.P.No.276 of 2022 under Section 156(3) Cr.P.C. in the Court of the District Munsif-cum-Judicial Magistrate, Uthukottai, in which, the learned Magistrate has given some directions calling upon the Inspector of Police, C-4, Pennalurpet Police Station, to file a report. The Inspector of Police, C-4, Pennalurpet Police Station, appears to



Cont.P.No.1332 of 2022

dated 17.08.2022 wherein he has stated in paras 6, 7 & 8 as under:-

WEB COPY

“6. I submit that during the course of investigation, I have examined Mr.R.Narendar, M.D., Assistant Professor, Institute of Forensic Medicine, Madras Medical College, Chennai 600003 who conducted post-mortem on the body of the deceased and the Doctor gave a final opinion that “as to cause of death is that the deceased would appear to have died due to the effects of cerebrovascular disease. Chemical Analysis of viscera did not detect poison.

7. I submit that the petitioner Babu filed petition u/s 156(3) Cr.P.C. praying to register a FIR against the following persons, namely (1) Magesh, (2) Sathish, (3) Jayasree, (4) Srinivasan, (5) Santosh, (6) Gayathri, (7) Dakshinamoorthy, (8) Amudha, (9) Pushpa, (10) Padma and (11) Lakshmi, before the Hon'ble District Munsif-cum-Judicial Magistrate, Uthukottai, in C.M.P.No.276 of 2022 on 08.02.2022 and the learned Court directed the respondent police to conduct the proper enquiry and register the FIR on or before 31.03.2022.



WEB COPY



Cont.P.No.1332 of 2022

8. I respectfully submit that based on the above order, I have conducted further examination and no concrete materials available against the counter petitioner and particularly based on the medical evidence, I have closed the case as Action Dropped on 25.08.2021. Consequently, I have filed a reply report of the above said case before the Hon'ble Distirct Munsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, on 02.05.2022.”

7. The learned counsel for the petitioner contended that, a case under Section 302 IPC should have been registered by the police against the neighbours for the death of Gnanammal and instead the police have conducted a perfunctory investigation and have closed the case by filing a closure report, which would amount to violation of the order of the learned Magistrate on 18.03.2022.

8. We carefully considered the aforesaid submission.



Cont.P.No.1332 of 2022

9. The fact remains that the police had earlier registered two FIRs viz., Crime Nos.23 of 2021 and 24 of 2021 (case and counter) against the warring groups. On the death of Gnanammal, the police have registered a separate FIR in Crime No.31 of 2021 u/s 174 Cr.P.C. The inquest and post-mortem were conducted in Crime No.31 of 2021 and based on the findings in the post-mortem certificate, a closure report has been filed.

10. The petitioner herein has also filed a protest petition before the learned District Munsif-cum-Judicial Magistrate, Uthukottai, seeking to reject the closure report and take cognizance of the offence u/s 302 IPC.

11. No court can direct the police to conduct the investigation in a particular manner and file a particular report. All that a Magistrate can direct the police under Section 156(3) Cr.P.C. is, to conduct an investigation and nothing more. According to the police, they have conducted investigation and have found that there is no commission of any cognizable offence and hence, they filed the closure report. It is always open to the petitioner to persuade the learned Magistrate to reject the closure report and



Cont.P.No.1332 of 2022

seek for further investigation or for taking cognizance of the offence which appears to have been committed. We leave it open to the learned Magistrate to decide the issue on facts and on law. We find no violation of the order dated 18.03.2022 passed by the learned District Munsif-cum-Judicial Magistrate, Uthukottai, in C.M.P.No.276 of 2022 for proceeding further in this contempt petition.

In fine, the Contempt Petition is closed with the above observations.

(P.N.P., J.) (TKR., J.)
19..10 ..2022

Index: Yes/No
kmk

To

- 1.The District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District.
- 2.The Inspector of Police, C-4, Pennalurpet Police Station, Pennalurpet, Thiruvallur District, PIN Code 602026.
- 3.The Public Prosecutor, High Court, Madras 600104.



WEB COPY



Cont.P.No.1332 of 2022

P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,

kmk

Cont. P. No.1332 of 2022

19..10..2022

Page 9 of 9