



WEB COPY



Cont.P.No.2372 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16..11..2022

Coram

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

Contempt Petition No.2372 of 2022

PR.Sathishkumar

..... **Petitioner**

-Versus-

Smt.Sumathi,
Inspector of Police – Crime,
R-5, Virugambakkam Police Station,
Chennai 600093.

.... **Respondents**

Petition filed under Section 10 of The Contempt of Courts Act, 1971,
praying to punish the respondent for her deliberate and wilful disobedience
of the order of the court dated 01.07.2022 made by the learned XXIII
Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.7841 of 2022.

For Petitioner : *Mr.G.Vananarayanan*



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ORDER

WEB COPY This contempt petition has been filed seeking to punish the respondent for her deliberate and wilful disobedience of the order dated 01.07.2022 made by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, in CrI.M.P.No.7841 of 2022.

2. The petitioner filed a petition under sub-section (3) of Section 156 of Cr.P.C. in the Court of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, alleging that he gave a sum of Rs.5,00,000/- for getting a medical seat for his daughter in Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER), Puducherry, to one Karunakaran at the instance of his relative one Suresh. After having received the amount, they did not get medical seat, but, returned only a sum of Rs.2,95,000/- and had not paid the balance of Rs.2,05,000/-. That petition was taken on file as CrI.M.P.No.7841 of 2022 and a direction was issued by the learned XXIII Metropolitan Magistrate on 01.07.2022 to the Inspector of Police, R-5, Virugambakkam Police Station (Crime) under sub-section (3) of Section 156 of Cr.P.C. to register a First Information Report (FIR) within seven days and



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to report to the said court, within one month thereafter. Alleging non-compliance of the said directions, the present contempt petition has been filed.

3. On notice, Ms.Sumathi, R-5, Virugambakkam Police Station (Crime) is present.

4. At the outset, we are really surprised as to how the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, could issue a direction to the police to register an FIR against the respondent on the assertion of the petitioner that he gave a sum of Rs.5,00,000/- for getting a medical seat which is *ex facie* illegal. In other words, even according to the petitioner, the sum of Rs.5,00,000/- was to be given for getting a medical seat in JIPMER without writing entrance examination. It is common knowledge that admission to M.B.B.S. in any medical college is made only through entrance examination and based on the marks obtained in the qualifying examinations. The institution of court cannot be misused for such oblique purposes. Therefore, in exercise of the powers under Section 226 of The



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Constitution of India, we are inclined to quash the order dated 01.07.2022 passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.7841 of 2022.

5. At this juncture, the learned Additional Public Prosecutor, on instructions, submitted that after receiving the notice in the present contempt petition, the police have registered an FIR in Crime No.714 of 2022 on 05.11.2022 for offences u/s 405 & 420 IPC against (1) Suresh and (2) Karunakaran. He also produced a photocopy of the FIR.

6. In view of the quashment of the order dated 01.07.2022 passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.7841 of 2022, we are inclined to quash the FIR registered in Virugambakkam Police Station Crime No.714 of 2022 as well.

In the result, this Contempt Petition is dismissed and the order dated 01.07.2022 passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.7841 of 2022 and the FIR in



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Police Station crime No.714 of 2022 are hereby quashed in its entirety. No costs.

(P.N.P., J.) (TKR., J.)
16..11..2022

Index: yes/no
kmk

To

- 1.The XXII Metropolitan Magistrate, Saidapet, Chennai 600015.
- 2.The Inspector of Police – Crime, R-5, Virugambakkam Police Station, Chennai 600093.
- 3.The Public Prosecutor, High Court, Madras 600104.



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