



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Sub Application (MD)No.5 of 2022

in

Cont.P.(MD)No.681 of 2020

Meenakshisundaram

... Petitioner

Vs.

1.Arul Prakash

The Inspector of Police,
Thackalay Police Station,
Kanyakumari District.

... 1st Respondent/Contemnor

2.Suthesan

The Inspector of Police,
Thackalay Police Station,
Kanyakumari District.

... 2nd Respondent/Proposed 2nd Contemnor

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to reopen the Contempt Petition in Cont.P(MD)No.681 of 2020 in Crl.O.P(MD)No.12216 of 2019 on the file of the Hon'ble Court enabling the petitioner to proceed with the contempt petition.

Prayer in CRL OP(MD) . 12216/ 2019 :

To direct the 1st respondent to monitor or supervise the investigation, being conducted by 2nd respondent with regard to the case in Crime No. 296 of 2017 dated 07/06/2017 U/s. 380 of IPC on the basis the petitioners representation dated 24-10-2018

Prayer in CONT P(MD) . 681/ 2020 :

To punish the contemnor/Respondent No.2 for disobeying the orders of this Honourable Court passed in CRL.O.P(MD) No. 12216 of 2019 dated 03.09.2019 and pass such further or other orders, as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed to reopen the Contempt Petition in Cont.P(MD)No.681 of 2020 in Crl.O.P(MD)No.12216 of 2019 on the file of this Court, enabling the petitioner to proceed with the contempt petition.



2.The petitioner filed a petition, seeking for a direction, to complete the investigation and file a final report in Crime No.296 of 2017, with monitoring supervision of Superintendent of Police, Nagerkovil district, Kanyakumari. This Court, by an order dated 03.09.2019, directed the respondent herein, to complete the investigation and file a final report, within a period of three months in Crime No.296 of 2017. However, the respondent did not comply with the order and hence the petitioner filed contempt petition in Con.P(MD)No. 681 of 2020.

3.On the submission made by the respondent, the contempt petition was disposed on 14.12.2020, with a direction, to direct the respondent to file a final report, within a period of two weeks. However, the respondent did not file a final report and as such, the petitioner come forward with this petition, to re-open the earlier contempt petition.

4.The learned Additional Public Prosecutor represented that after disposal of the contempt petition by this Court, the respondent completed the investigation and closed the FIR as 'undeducted one', as early as on 31.07.2021 and filed referred charge sheet before the learned Judicial Magistrate, No.I, Padmanabhapuram. However, the learned counsel for the petitioner would submit that no referred charge sheet notice was served on him.

5.In view of the above, the second respondent is directed to serve the referred charge sheet notice to the petitioner, within two weeks, from the date of a copy of this order. On receipt of the same, the petitioner is at liberty to challenge the protest petition, in the manner known to law, if so advised.

6.With the above directions, this Sub Application is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Inspector of Police,
Thackalay Police Station,
Kanyakumari District.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
Sub.Aplc (MD) No.5 of 2022
in Cont.P. (MD) No.681 of 2020
11.03.2022

RS (29.03.2022) 3P-3C