



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cont.P(MD)No.1159 of 2021

1.V.Thillaikarasi

2.Thirupathi

... Petitioners

Vs.

Baby Uma,
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No.300 of 2020).

... Contemnor/1st Respondent

PRAYER: Contempt petition filed under Section 11 of Contempt of Courts Act, to initiate the contempt proceedings against the contemnor/respondent for her wilful disobedience of the order passed in Crl.O.P(MD)No.13245 of 2020 and Crl.M.P(MD)No.6083 of 2020, dated 03.12.2020.

Prayer in CRL OP(MD) . 13245/ 2020 :

To call for the records in Crime No.300 of 2020 on the file of the Devakottai Town Police Station, Sivagangai District and to quash the same as against the petitioners.

Prayer in CRL MP(MD) . 6083/ 2020 :

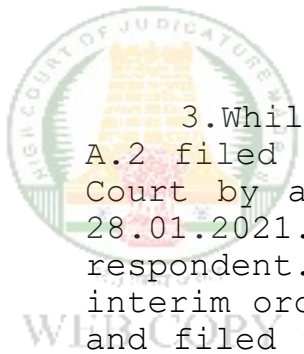
To stay all further proceedings of FIR in Crime No.300 of 2020 on the files of the Devakottai Town Police Station, Sivagangai District pending disposal of this Criminal Original Petition and thus render justice.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

ORDER

This contempt petition has been filed to punish the respondent for disobedience of the order passed by this Court in Crl.M.P(MD)No.6083 of 2020 in Crl.O.P(MD)No.13245 of 2021, dated 03.12.2020, thereby granted interim stay of investigation in Crime No.300 of 2020 on the file of the respondent.

2.The learned counsel appearing for the petitioner would submit that on receipt of the complaint lodged by the defacto complainant, the respondent registered the F.I.R in Crime No.300 of 2020 for the offences under Sections 341, 294(b) and 506(i) of I.P.C.



3.While pending investigation, the petitioners being A.1 and A.2 filed a quash petition in Crl.O.P(MD)No.13245 of 2020 and this Court by an order dated 03.12.2020, stayed the investigation till 28.01.2021. Immediately, the said order was communicated to the respondent. Even then, the respondent, without considering the interim order passed by this Court, proceeded with the investigation and filed the final report on 28.12.2020. In pursuant to the final report, the trial Court had taken cognizance for the offences under Sections 341, 294(b) and 506(i) of I.P.C in C.C.No.13 of 2021 on the file of the learned Judicial Magistrate, Devakottai and it is pending for trial.

4.The respondent present on all hearings before this Court and filed counter-affidavit in this Contempt Petition.

5.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.On a perusal of the counter-affidavit revealed that after registration of F.I.R, the respondent police enquired 8 witnesses including three eye witnesses for the occurrence and completed the investigation and filed a final report before the learned Judicial Magistrate, Devakottai for the offences under Sections 341, 294(b) and 506(i) of I.P.C. Only after perusal of the contempt notice issued by the petitioner, the respondent came to know about the interim order passed by this Court, dated 03.12.2020. On the date of hearing, there was no physical hearing due to corona pandemic circumstances and as such, there was a communication gap between the Public Prosecutor and the respondent herein. Only due to that reason, she could not able to follow the order passed by this Court. However, the Department has taken action for disobedience of the order passed by this Court against the respondent, in which she has been punished with stoppage of one increment for a period of one year with cumulative effect. Further, the trial is also stopped before the trial Court in C.C.No.13 of 2021 on the file of the learned Judicial Magistrate, Devakottai.

7.Recording the said submission, this Contempt Petition is closed.

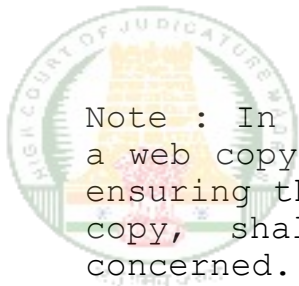
Sd/-

Assistant Registrar (AS)

// 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.

WEB COPY

To
Baby Uma,
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-20767[F] dated 25/04/2022)

Order made in
Cont.P(MD)No.1159 of 2021
22.04.2022

RS (06.05.2022) 3P-3C