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Contempt Petition No.824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14.07.2023**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**Cont.P.No.824 of 2023**

1.Gurusamy  
2.Lakshmi  
3.G.Saraswathi  
4.Hemalatha  
5.N.Santhalingam  
6.Devaraj

... Petitioners

Vs.

Mrs.Palaniyammal,  
State represented by Inspector of Police,  
AWPS Central Police Station,  
Coimbatore City.  
Crime No.1 of 2022.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for her willful disobedience of the order dated 13.08.2022 in CrI.M.P.No.13286 of 2022 in CrI.O.P.No.20204 of 2022 passed by this Court.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.R.Kishore Kumar  
Government Advocate



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## **ORDER**

This Contempt Petition is filed for willful disobedience of the order passed by this Court, dated 13.08.2022, in Crl.O.P.No.20204 of 2022 and Crl.M.P.No.13286 of 2022, filed by the petitioners who are the parents-in-law, sisters-in-law and their respective husbands, to quash the FIR registered against them in Crime No.1 of 2022 for the offences under Sections 498-A, 294(b), 323 and 506(2) IPC, based on the complaint made by one Anusiya/*de facto* complainant/2<sup>nd</sup> respondent in Crl.O.P.No.20204 of 2022.

2.Considering the nature of allegations found in the FIR and the fact that the *de facto* complainant is the second wife of 1<sup>st</sup> accused and further taking note of the fact that the *de facto* complainant and the 1<sup>st</sup> accused are now residing together and there is no dispute between them, this Court made an order of stay of further proceedings in Crime No.1 of 2022 insofar as the petitioners herein, vide order, dated 13.08.2022, in Crl.O.P.No.20204 of 2022 and Crl.M.P.No.13286 of 2022.



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3.Despite the order of stay granted by this Court being in force, the respondent/contemnor, who is the Investigation Officer, appears to have proceeded with the case, conducted investigation as if there was no stay operating in this matter, and filed a final report before the Additional Mahila Court, Coimbatore on 08.10.2022 and the same has been taken cognizance by the Additional Mahila Court, Coimbatore, in C.C.No.3000 of 2022, dated 29.12.2022, and the case has been posted for hearing before the trial Court on 20.07.2023.

4.Today, the contemnor–Mrs.G.Palaniammal, Inspector of Police, C1 Kattoor PS, AWPS Central Police Station, Coimbatore City, is present before this Court. Today, she has filed an affidavit before this Court. She has stated in her affidavit that the order copy received in the Police Station was not brought to her knowledge by the Writer in-charge and therefore, she inadvertently proceeded with the investigation and filed the charge-sheet before the Additional Mahila Court, Coimbatore.

5.The explanation offered by the Investigation Officer/contemnor is unacceptable for the simple reason that the



Investigation Officer, being the Station House Officer, ought to have seen the orders of the High Court, then and there. Further, in the affidavit filed by the Investigation Officer, there is no indication as to the action taken against such Writer who failed to bring the order of this Court to the knowledge of the Investigation Officer. The affidavit is bereft of any further details on this aspect. If really the order copy has not been brought to the notice of the Investigation Officer, the immediate reaction would be to call for an explanation from the concerned subordinate officer, which has not been done in this case. Moreover, the Investigation Officer, in utter disregard to the orders of this Court, has proceeded with the investigation and has even filed the final report, probably because the *de facto* complainant is a practicing Advocate.

6. When this Court has stayed the entire proceedings as against the petitioners herein in furtherance of the FIR registered against them, filing a final report against the petitioners and making them to face the ordeal of trial, is nothing but a clear disobedience of the orders of this Court. Therefore, this Court finds that the respondent/contemnor has willfully disobeyed the orders of this Court, dated 13.08.2022, made in Crl.O.P.No.20204 of 2022 and Crl.M.P.No.13286 of 2022.



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7. Though the respondent/contemnor deserves to be punished, considering the entire ambit of proceedings and the contemnor also tendered unconditional apology, this Court, accepting the same, is not inclined to impose any punishment.

8. Considering the fact that this Court has already stayed the FIR in Crime No.1 of 2022 as against the petitioners, the final report in C.C.No.3000 of 2022 filed before the Additional Mahila Court, Coimbatore, as against the petitioners, is also stayed until the main case in CrI.O.P.No.20204 of 2022, challenging the FIR, is decided.

9. Accordingly, this Contempt Petition is closed.

10. Registry is directed to mark a copy of this order to the Director General of Police, Tamil Nadu, for initiating appropriate disciplinary proceedings as against the respondent/contemnor for violating the orders of this Court.

**14.07.2023**

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Contempt Petition No.824 of 2023

**N. SATHISH KUMAR, J.**

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Copy to :

- 1.The Sessions Judge,  
Additional Mahila Court,  
Coimbatore.
- 2.The Director General of Police, Tamil Nadu,  
No.1, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai – 600 004.
- 3.Mrs.Palaniyammal,  
Inspector of Police,  
AWPS Central Police Station,  
Coimbatore City.
- 4.The Public Prosecutor,  
High Court, Madras.

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