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Contempt Petition No.496 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.496 of 2023

S.Prabhu

... Petitioner

Vs.

Mr.Siva Anand,
Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai – 600 095.
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 10.08.2022 in CrI.O.P.No.18504 of 2022, passed by this Court.

For Petitioner : Mr.L.Vasanthalakshmi

For Respondent : Mr.R.Kishore Kumar
Government Advocate

ORDER

This Contempt Petition is filed for willful disobedience of the



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order passed by this Court dated 10.08.2022 in CrI.O.P.No.18504 of 2022.

2.This Court, by order dated 10.08.2022 in CrI.O.P.No.18504 of 2022, taking note of the fact that the Judicial Magistrate No.II, Poonamallee, had passed an order dated 12.05.2022 in C.M.P.No.1426 of 2022, filed under Section 156(3) Cr.P.C., directing the respondent Police to register a case and file a final report before the concerned Court, directed the respondent Police to register a case and file a final report within a period of two months from the date of receipt of a copy of the order. This Contempt Petition is filed alleging that the respondent Police has not registered any case or filed final report, despite the orders of this Court.

3.Today, Mr.A.Siva Ananth, Inspector of Police, G-4 Maduravoyal Police Station, Greater Chennai Police, Chennai, is present before this Court and has filed a Status Report before this Court.

4.In the Status Report, it is stated that certain material facts have not been brought to the notice of this Court at the time of hearing the



Criminal Original Petition, due to inadvertence. It is stated that an FIR in

this regard had already been registered in Crime No.1279 of 2021 for

“man missing” on 11.12.2021 and after investigation, the Investigating

Officer secured the body of the deceased on 12.12.2021 and thereafter, on

enquiry and after collecting Post Mortem Report, Viscera Report and

statement of witnesses, the Investigating Officer found that the deceased

died due to Asphyxia due to drowning and therefore, came to the

conclusion that there is no foul play in the case and completed the

investigation and closed the case as “further action dropped”, after altering

the case from “man missing” to one under Section 174 Cr.P.C., and RCS

notice in R.C.S.No.01/T4/2022 dated 06.05.2022 was also served on the

complainant and the same was also filed before the Judicial Magistrate

Court, Poonamallee, vide C.M.P.No.6286 of 2022 dated 12.12.2022. It is

further stated that, meanwhile, the petitioner approached the Judicial

Magistrate Court No.II, Poonamallee, and obtained positive orders in the

petition under Section 156(3) Cr.P.C. in C.M.P.No.1426 of 2022.

Thereafter, again, the petitioner has approached this Court and obtained

orders in the present Criminal Original Petition in Crl.O.P.No.18504 of

2022 to register a case and file a final report. It is stated in the Status

Report that, even thereafter, the respondent Police took up re-investigation



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of the matter and on examination of witnesses and medical evidence, closed the case as “further action dropped” and sent the closure report to the Judicial Magistrate Court No.II, Poonamallee, which was received vide No.2810 of 2023, dated 10.07.2023. Further, the respondent Police has apologized for not bringing these facts to the notice of the Court, due to inadvertence.

5.In view of the statements made by the respondent Police in his Status Report, this Court is of the view that the Contempt Petition is unnecessary and therefore, this Contempt Petition is closed.

6.If at all the petitioner wants to pursue the matter furthermore, the petitioner is at liberty to work out his remedy in the manner known to law. Learned Government Advocate (Crl. Side) is directed to serve a copy of the Status Report on the learned counsel for the petitioner.

14.07.2023

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Copy to :

1.The Inspector of Police,
T-4, Maduravoyal Police Station,



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Chennai – 600 095.

2. The Public Prosecutor,
High Court, Madras.

N. SATHISH KUMAR, J.

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