



Cont.P.No.717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

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THE HON'BLE Mr.JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.717 of 2023

Chandrasekar

... Petitioner

Vs.

Latha
The Inspector of Police
Neyveli Thermal Police Station,
Cuddalore District.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for contempt of court for disobedience of the order of this Hon'ble High Court dated 03.03.2022 made in Crl.OP.No.4807 of 2022 on the file of this Hon'ble Court.

For Petitioner : Ms.Ramya V.Rao

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to punish the respondent/Inspector of police for contempt of Court for disobedience of the order of this Court dated 03.03.2022 made in Crl.O.P.No.4807 of 2022.

2. It is the case of the petitioner that while his son was riding his motorcycle bearing Registration No.TN 91 W 7368 at Anna Salai on 14.03.2020 at about 9.15.p.m, a private transport bus bearing Registration No.TN 31 BA 7999 hit him from behind and caused an accident. The driver of the bus did not stop and thereafter, his son was taken to the hospital by one Mr.Vinodkumar, who had informed about the accident. On the complaint given by the petitioner, the First Information Report was registered on 15.03.2020 as FIR No.45 of 2020. It is the further allegation that the respondent did not conduct the investigation in a proper manner and filed the final report and thereby, the petitioner was constrained to file Crl.OP.No.4807 of 2022 seeking for a direction to the respondent to file a charge sheet in Crime No.45 of 2020, within the stipulated time. This Court, by an order dated 03.03.2022 had directed the respondent to complete the investigation and file the charge sheet within a period of two months from the date of receipt of copy of the order.



3. It is the further grievance of the petitioner that despite the order being communicated to the respondent, the respondent did not comply with the order and the final report was not filed within the time frame stipulated by this Court and thereby, the present contempt petition has been filed.

4. The learned counsel for the petitioner would submit that despite the order passed by this Court to file the final report, the respondent did not comply with the order and thereby, the petitioner had sent a notice on 06.01.2023 and despite the receipt of the notice, the respondent did not file the final report and thereby warranting the petitioner to file this contempt petition.

5. The respondent/contemnor is present before this Court. She has filed the compliance affidavit. Relevant paragraph of the affidavit is extracted hereunder:-

“8. I humbly submit that, as per G.O.(Ms).No.1597-Home (Police X) Department, dated 26.09.2018, the Government of Tamil Nadu has passed the abstract for construction of new building for Neyveli Thermal Police Station in Cuddalore District. I submit that the new Police Station building was inaugurated on 30.08.2021 and the building from old premises was shifted and started to function in the new



premises on 24.02.2022. I humbly submit that, the case bundles were transferred from Old Thermal Police Station to New Thermal Police Station, in February 2022 onwards. The distance between Old Thermal Police Station and New Thermal Police Station is 7 kilometers. Since the entire New building was not completed. The case bundles could not be transferred immediately from Old Thermal Police Station and New Thermal Police Station. The New Thermal Police Station situated at Periyakapankulam Village.

9. I humbly submit that, while shifting the materials from Old Thermal Police Station situated at Thermal to New Police Station situated at Periyakapankulam Village, some case bundles were misplaced in which this case bundle was also misplaced. I deeply submit my apology before this Hon'ble Court for the delay caused in complying the order. The delay is neither willful nor wanton but for the reasons stated above.

10. I humbly submit that as soon as I have completed investigation, I have duly served RCS notice to the defacto complainant on 18.11.2020. Further, due to the above said reasons, I could not file the charge sheet in time. However, bonafidely I have filed the referred charge sheet before the Learned Judicial Magistrate Court, Neyveli vide RCS.No.4/2023, dated 23.05.2023 and the Learned Judicial Magistrate has ordered notice to the defacto complainant on 10.07.2023 regarding Further Action Dropped and the same



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was duly served on the same day.

11. I humbly submit that during the course of investigation, which reveals that at the time of lodging FIR, the defacto complainant has wrongly mentioned registration Number of the bus as TN-31-BA-7999 instead of bearing Reg.No.TN-31-BA-7799. The same was recorded by the then Special Sub Inspector of Police in the 161(3) Cr.P.C statement of the defacto complainant. Further it is submitted that the respondent police pursuant to the registration FIR had verified the vehicle details in VAHAN website App maintained by Ministry of Road Transport and Highways, Government of India. It is submitted that the above mentioned car bearing Reg.No.TN-31-BA-7999 was registered in the name of M.S.Hanumanthalaaya, residing at 69 GRK Link Road, Tirupapulliyur, Cuddalore-607 001.

12. I humbly submit that it is bounden duty of the Police to obey the orders of the Hon'ble High Court in letter and spirit. In this case is concerned, I have conducted investigation with utmost good faith and filed final report to the best of my ability, belief and knowledge. However, the delay in filing final report is neither willful nor wanton, but for the reasons stated herein above.”

6. The respondent would submit that the investigation was completed as early as 18.11.2020 and the RCS notice was served on the



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petitioner on the same day. However, there has been some delay in filing the final report before the Court. She would submit that as per the G.O.Ms.No.1597-Home (Police X) Department dated 26.09.2018, the Station was shifted to a new building and during such time, the bundles got mixed up and the case bundle was also misplaced and later, it was traced and the final report was filed on 23.05.2023. She would submit that the delay in complying with the order of this Court is neither intentional nor wanton and she would render her unconditional apology for the delay and hence, she prays to purge her from the contempt proceedings.

7. Mr.S.Balaji, learned Government Advocate (Crl. Side) would submit that the investigation had been completed as early as 18.11.2020 and the final report has been served on the *de facto* complainant. However, when the matter had come up before this Court on 03.03.2022 based on the submissions made by the learned Government Advocate (Crl.Side), the orders have been passed. However, due to the shifting of the Police Station, the bundles got mixed up and thereby, there has been some delay. He would submit that the delay in complying with the order is not intentional and he would seek that the respondent tenders her unconditional apology and hence, would pray that the respondent be purged from the contempt proceedings.



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8. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent. Perused the entire materials available on record.

9. Taking into consideration the order has been complied with, this Contempt Petition stands closed. However, the petitioner is granted the liberty to challenge the final report, by way of filing the protest petition.

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A.D.JAGADISH CHANDIRA, J.

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