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Cont.P.No.1098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Contempt Petition No.1098 of 2023

Chennai Vazh Kovilpatti Nadar
Uravinmurai Sangam Reg.No.45/1984
Rep. by its President K.Ramasamy Nadar ..

Petitioner

Versus

P.Mahendren
The Dy. Commissioner of Police,
Adyar, L.B.Road,
Adyar, Chennai-20. ..

Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, seeking to punish the respondent for his willful disobedience of this Hon'ble Court order dated 03.08.2022 with necessary direction to register an appropriate case to recover Sangam document in pursuant to the petition dated 22.08.2022.

For Petitioner : Mr. S.Packiaraj



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ORDER

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This petitioner has filed this contempt petition by alleging that the direction given by this Court in the contempt petition in Cont.P.No.592/2018 order dated 03.08.2022 was not properly complied with.

2. On perusal of the order dated 03.08.2022, it is seen that the following direction has been given:

“18.Considering the age of the 1st respondent, I impose a punishment of Simple Imprisonment for a period of one month and direct the 1st respondent to pay a fine of Rs.2,000/-. It will be open to the present Office bearers to lodge a complaint with the police regarding the loss of documents and if such complaint is lodged, the Police will make appropriate enquiry based on the evidence that has been produced in this Contempt Petition and make all out attempt to trace the documents. There will be a direction to the Deputy Commissioner of Police, Adayar area to monitor the investigation that would be carried out pursuant to the complaint of the present Office bearers of the Sangam regarding the loss of the documents and the records.”

3. According to the said order, a complaint is said to have been made by the president of the Sangam and the same is taken up for enquiry. From the letter of the Assistant Commissioner Adayar on 26.04.2023, produced by



the learned counsel for the petitioner, it is seen that the police had taken up the complaint given by the Sangam for enquiry and the documents had been handed over to the President, who refused to receive the same. It is stated that the President insisted the police produce those documents before this Court and hence, the enquiry is closed and the notice of closure has also been served upon the petitioner.

4. The learned counsel for the petitioner submitted that without tracing out all the documents, the respondent police had traced only two documents and compelled the petitioner to withdraw the complaint.

5. After holding an enquiry and recovering the documents, the police themselves would close the enquiry and there is no need to compel the petitioner to withdraw the complaint. The complaint given by the petitioner was taken up for enquiry and the respondent police had done the needful. So the direction given by the Court has been complied with. The petitioner refused to receive the documents, and the respondent cannot do anything except close the enquiry.

6. It is further submitted that the documents have been handed over to Murugan on 31.03.2023. In the closure report, it is also mentioned that



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those documents were handed over to Murugan on 31.03.2023. The enquiry of the police further revealed that the ex-President L.M.Krishnasasmy Nadar and Mutharasu had handed over certain property documents belonging to the trust to the then treasurer Jayamurugan for mortgaging, and accordingly Jayamurugan had mortgaged and availed Rs. 15 lakhs as a loan and given it to the then office bearers. Since the said treasurer had told that those documents can be redeemed only if the loan amount of Rs 15 lakhs is paid, the police authorities had recorded those facts and completed their enquiry.

7. Since the respondent had complied with the direction, I find no reason for initiating any contempt action, and the contempt petition is dismissed.

07.06.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
Neutral : Yes/No

jrs



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R.N.MANJULA, J.,

jrs

To
P.Mahendren
The Dy. Commissioner of Police,
Adyar, L.B.Road,
Adyar, Chennai-20.

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