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Cont.P.No.1041 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.06.2023**

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cont.P.No.1041 of 2022

S.Ilavenil

... Petitioner

Vs.

Velmurugan
The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar West Extension,
Chennai – 600 101.

... Respondents

PRAYER: Contempt petition filed under Section 11 and 12 of the Contempt of Courts Act, 1971 praying to punish the respondent for wilfully disobeying the order dated 25.02.2022 passed by this Court in CrI.O.P.No.4487 of 2022.

For Petitioner : Mr.J.Deliban.M.Gopi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Contempt Petition is filed to punish the respondent for wilfully disobeying the order dated 25.02.2022 passed by this Court in Crl.O.P.No.4487 of 2022.

2. Learned counsel for the petitioner submitted that, petitioner filed Crl.O.P.No.4487 of 2022 seeking direction to the respondent to complete the investigation in Crime No.589 of 2021 and file final report, else issue Non-traceable certificate to the petitioner. Petitioner's vehicle bearing No.TN02 BQ 8690 parked at No.57, G-1, Golden Leisure Square, Balaji Nagar, Padi Kuppam Road, Chennai – 600 040, went missing on 15.08.2021. On the basis of the complaint, first information report in Crime No.589 of 2021 for the offence under Section 379 IPC was registered.

2.1. It is his further submission that, while dealing with the matter, this Court directed the 2nd respondent therein to expedite the investigation and complete investigation by taking all efforts to secure the accused and two wheeler within a period of one month from the date of the order. In the event of failure to trace the vehicle, the respondent was directed to issue Non-Traceable Certificate to the petitioner for facilitating him to claim



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insurance. Though this order was passed on 25.02.2022, it is submitted by the learned counsel for the petitioner that, Non-Traceable Certificate was issued only on 11.10.2022, after a period of eight months. Thus, this petition.

3. In response, learned Government Advocate (Criminal side) submitted that, there was no deliberate intention on the part of the respondent to commit the contempt of the Court. This delay has occurred due to reasons beyond the control of the respondent. The affidavit of the respondent is filed, to show the efforts taken by the respondent police for arresting the accused and tracing the vehicle. Respondent is not the investigating officer in this case. The case was investigated by one Kumar, Sub-Inspector of Police. After investigation, the Sub-Inspector filed a report as “Undetected” before the learned XIII Metropolitan Magistrate Court, Egmore, Chennai and RCS notice has also been issued to the petitioner. Respondent rendered his unconditional apology for any wrong doing .

4. In reply, learned counsel for the petitioner submitted that, after



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this Court passed an order in CrI.O.P.No.4487 of 2022, he visited the police station in person and sought for Non-Traceable Certificate multiple times.

Despite that, respondent has not chosen to issue Non-Traceable Certificate immediately. Therefore, he pressed that the respondent to be punished for contempt of Court.

5. Considered the submissions and perused the records.

6. Considering the aforesaid facts narrated in this case, there was a specific direction either to take efforts to trace the vehicle or to issue Non-Traceable Certificate within a period of one month from 25.02.2022. Final report was made ready in May 2022, but it was filed in the Court only in October 2022. Thus, this Court finds that, there is a lack of interest shown in complying with the Order passed by this Court, by the Investigation Officer and by the respondent. Respondent, who is the superior officer of the Investigation Officer (Sub-Inspector of Police) should have taken steps for earlier completion of the investigation and filing of final report and issuance of Non-Traceable Certificate. Since, it is not done, the respondent committed contempt of this Court's Order. However, considering the fact



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that, the respondent is not the investigation officer and that, he failed to exercise proper supervision over the Investigation Officer in investigating the case and filing final report, this Court instead of punishing the respondent, directs the respondent to pay a costs of Rs.1,000/- to the Chief Justice Relief Fund, within a period of two weeks from the date of receipt of a copy of this Order. Failing to pay, would invite consequences.

7. Accordingly, the Contempt Petition is closed, with a direction to the respondent to pay a costs of Rs.1,000/- to the Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this Order.

16.06.2023

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To

1.The The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar West Extension,
Chennai – 600 101.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,
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