



Cont.P.No.1273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Contempt Petition No.1273 of 2023

D.Dhanasekaran

.. Petitioner

Vs.

Shri.G.Chandru,
Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai-600 069.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act for committing contempt of the order of this Court, passed in CrI.R.C.No.1484 of 2002, dated 09.11.2022.

For petitioner : Mr.P.Ayyamperumal

For respondent: Mr.C.E.Pratap, Addl.P.P.

ORDER

This Contempt Petition is filed by the petitioner seeking to punish the respondent for committing contempt of the order of this Court, passed in CrI.R.C.No.1484 of 2022 on 09.11.2022.

2. Earlier, the petitioner has filed Criminal Revision Petition in CrI.R.C.No.1484 of 2022 before this Court to set aside the order dated



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08.09.2022 passed in CrI.M.P.No.2390 of 2022 on the file of the Judicial Magistrate, Sriperumbudur and to direct the respondents 1 and 2/Police therein to register a case based upon the complaints dated 03.04.2022 and 05.04.2022.

3. Since already the complaints given by the petitioner were closed and a copy of the closure report was not served on the petitioner, this Court directed the respondent herein to serve a copy of the closure report in respect of the enquiry conducted on the above said complaints of the petitioner. The said direction was issued by this Court on 09.11.2022 in CrI.R.C.No.1484 of 2022. But the respondent herein did not serve a copy of the closure report to the petitioner, and hence, the petitioner has filed the present Contempt Petition.

4. Notice was served on the respondent/contemnor and he appeared before this Court today. He has also filed the compliance report dated 19.09.2023 before this Court through the learned Public Prosecutor.

5. When the Contempt Petition came up for hearing on 15.09.2023, the respondent had stated that subsequently, closure report was furnished to the petitioner and this Court directed the petitioner to appear today and therefore, both the petitioner and the respondent and their respective counsel have



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appeared before this Court today.

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6. Learned counsel for the petitioner submitted that despite direction given by this Court, the petitioner was not furnished with a copy of the said closure report, and therefore, the petitioner has approached this Court by filing this Contempt Petition.

7. Learned Additional Public Prosecutor appearing for the respondent/contemnor submitted that after receiving a copy of the order passed in the Criminal Revision case, they have tried to furnish a copy of the closure report to the petitioner, and twice they went to the house of the petitioner and the door of the house was locked and hence, they could not find out the petitioner to serve a copy of the closure report. It is further submitted that in the month of January 2023, they have tried to contact the petitioner through his Mobile in No.94442 11049, but they could not contact him. Further, they have also contacted petitioner's counsel Mr.P.Ayyamperumal in his Mobile No.63694 81927 on 15.02.2023 and the learned counsel informed the respondent that he will send the petitioner to collect the closure report in the Police Station. Further, on 16.02.2023, the respondent contacted the petitioner in his Mobile Number in 94442 11049 and the petitioner informed that after consulting his counsel, he

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will proceed accordingly. On the same day, the petitioner also informed the respondent-Police that after ten minutes, he will come along with his counsel and collect the closure report. But subsequently, neither the petitioner, nor his counsel had come forward to receive the closure report.

8. It is further submitted by the learned Additional Public Prosecutor that the respondent received the certified copy of the order which was duly despatched on 04.03.2023 and immediately after receipt of the copy of the order, they have once again contacted the petitioner through his mobile and after due verification, the petitioner was not available. Therefore, the respondent could not serve a copy of the closure report on the petitioner. The respondent has duly sent the closure report and communicated the same to the petitioner by post on 28.03.2023. Hence, the respondent submitted that there is no wilful disobedience in complying with the order passed by this Court.

9. Heard both sides and perused the materials available on record.

10. Admittedly, this Court passed order on 09.11.2022 in CrI.R.C.No.1484 of 2022 and based on the submission made by the learned Additional Public Prosecutor, the complaints made by the petitioner were closed and at the



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request of the petitioner, this Court, on 09.11.2022 in CrI.R.C.No.1484 of 2022, directed the respondent to serve a copy of the closure report to the petitioner.

But the said order was passed on 09.11.2022 and the respondent, till 28.03.2023, did not serve a copy of the closure report on the petitioner, and that too, on 28.03.2023, they have sent a copy of the closure report to the petitioner through Post. Though the respondent has stated in paragraph 14 of the compliance report filed now, that the respondent could not locate the petitioner in the address given by him and the respondent-Police once again tried to contact the petitioner in his Mobile No.94442 11049 from the month of January 2023 onwards. As such, the respondent has not given any specific date on which they tried to contact the petitioner. Though in the morning today he has stated before this Court that he went to the house of the petitioner twice for serving copy of closure report and they saw that the door was locked. There is no material to show that prior to January 2023, they contacted the petitioner even over mobile phone and there is no material to show that they went to the house of the petitioner and tried to serve a copy of the closure report. If at all they have gone to the house of the petitioner and if the petitioner was not available twice, they could have affixed the intimation on the door of the house of the petitioner and could have also obtained signature from the neighbours of the petitioner to show that they have come to the house of the petitioner. The

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respondent has not proved the same except making bald reply that they have tried to contact and could not contact him in the month of January 2023 twice and they have also tried to contact the petitioner over mobile phone of the petitioner, but they could not contact him. At last, on 15.02.2023, they have contacted the petitioner's counsel over mobile phone and the order was passed on 09.11.2022 in the open Court in the presence of both the counsel and based on the information given by them that the complaints were closed and the closure report was made ready. They cannot state that they have duly despatched the report on 04.03.2023 and the original order passed in the said Crl.R.C. on 09.11.2022 was duly despatched on 19.12.2022 itself. Therefore, the reasons stated by the respondents are unacceptable. The respondent/contemnor and his counsel are very well aware of the order of this Court, dated 09.11.2022 passed in Crl.R.C.No.1484 of 2022 and the same was dictated in the open Court itself and if at all they need any clarification of the order, they ought to have filed an application immediately to clarify the order passed in the said Crl.R.C. But they have not done so. Now they have stated that only the respondent was duly served copy of the order only on 04.03.2023, whereas they have stated that from January 2023 onwards, they tried to contact the petitioner, which clearly shows that only in order to escape from the Contempt proceedings, they have now solely developed their stand.

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11. One thing is clear that the respondent is not ready to comply with the order of this Court passed in the said Crl.R.C. The respondent has not proved that they have honestly made their attempt to serve a copy of the closure report. But they have despatched the copy on 28.03.2023 and they could have done the same and when they went to the house of the petitioner, it was found locked, but there is no material evidence to show the same. Further, in paragraph 14 of the compliance report filed in this contempt petition, they have stated that they have tried to contact the petitioner over phone, but they have not given any specific date on which they went and it shows that they have contacted the counsel only on 15.02.2023 and there is no material to show that before 15.02.2023, the respondent has neither served a copy of the closure report, nor made honest attempt to serve it on the petitioner. Therefore, the lethargic attitude of the respondent is to be highly deprecated. The respondent, despite knowing fully well that the order of this Court is very clear that the copy of the closure report has to be served on the petitioner, and even though the specific date has not been mentioned by the respondent, the time has not been stipulated, but however, on the very same day in the open Court, both the petitioner and the respondent were aware of the order dictated in the open Court and the respondent had wilfully disobeyed the said order of this Court passed in

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the said CrI.R.C.

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12. The contempt proceedings are only between the Court and the contemnor. The petitioner only brings the notice of the wilful disobedience. A perusal of the entire materials on record shows that the respondent has wilfully disobeyed the order passed by this Court in the said CrI.R.C.

13. Therefore, it is crystal clear that the respondent has wilfully disobeyed the order of this Court and thereby committed contempt. Hence, the respondent is sentenced to pay a sum of Rs.10,000/- (Rupees ten thousand only), which shall be paid within a period of one week from today before the Registry of this Court. Further, the Superintendent of Police having control over the Kundrathur Police Station, is directed to take appropriate departmental action against the respondent-Inspector of Police, namely Mr.G.Chandru (contemnor) for wilful disobedience of the order of this Court dated 09.11.2022 passed in CrI.R.C.No.1484 of 2022, thereby, the respondent has caused much inconvenience to the petitioner who has given complaints earlier by running from pillar to post even for getting closure report and to proceed with the same in accordance with law. The poor petitioner has approached this Court twice and one is by filing CrI.R.C. and the other is by way of filing this Contempt Petition.

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The Police Department is there not only to control the law and order problem, but also to ensure the safety and interest of the poor litigants. Instead of doing the same, in this case, they have only made the petitioner-complainant to run from pillar to post even for getting a copy of the closure report and he has been dragged to the Court.

14. In the above circumstances, the attitude of the respondent is highly condemnable and the sentence of fine of Rs.10,000/- (Rupees ten thousand only) is directed to be paid by the respondent before the Registry of this Court and on such payment by the respondent, the Registry is directed to pay the said amount to the petitioner by way of compensation. Failing to deposit the amount within a period of one week from today, the respondent shall undergo one week simple imprisonment. Further, the Superintendent of Police having control over the Kundrathur Police Station, is directed to take departmental action against the lethargic attitude of the respondent.

15. With the above observations and directions, the Contempt Petition is closed.

19.09.2023

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Registry is directed to issue this order copy to the respondent-Inspector of Police and also to send a copy of the order to the concerned Superintendent of Police having control over the respondent-Police Station, apart from issuing a copy of the order to the Public Prosecutor.

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To

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1. The Inspector of Police,
T-13 Kundrathur Police Station,
Kundrathur,
Chennai-600 069.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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