



Cont.P.No.1729 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

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

Contempt Petition No.1729 of 2022

N.Nallammal

... Petitioner

Vs.

1. Mathiyalagan

The Deputy Superintendent of Police,
Perambalur District,
Perambalur.

2. Balasubramanian,

The Inspector of Police,
Arumbavur Police Station,
Perambalur District.
(Crime No.72 of 2022)

... Respondents

PRAYER : Contempt Petition has been filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for the wilful disobedience to the order dated 27.04.2022 passed by this Court in CrI.O.P.No.9595 of 2022.

For Petitioner : Mr.Krishnamoorthy

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

This petition has been filed seeking action for contempt for non compliance of the order passed by this Court in CrI.O.P.No.9595 of 2022 dated 27.04.2022, whereby, this Court directed the Deputy Superintendent of Police, Perambalur to monitor the investigation done by the Inspector of Police, Arumbavur Police Station in Crime No.72 of 2022 and also directed to complete the investigation and file the final report within a period of six months from the date of receipt of the copy of that order

2. Learned counsel for the petitioner submitted that the petitioner had given a complaint to the second respondent on 07.01.2022, against her daughter-in-law and her relatives in respect of breaking her house and causing damage to the household articles on 06.01.2022. He further submitted that since no action was taken by the second respondent, the petitioner had made a representation to the Superintendent of Police, Perambalur District on 15.01.2022 and even thereafter, the First Information Report was not registered, thereby, the petitioner had approached the learned District Munsif cum Judicial Magistrate, Veppanthatthai by filing a private complaint under Section 156(3) of Cr.P.C and based on the order passed by



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the learned Magistrate, the respondent Police had registered a case and after registering the case, the respondent Police did not continue the investigation. Thereby, the petitioner had preferred the petition before this Court in Crl.O.P.No.9595 of 2022 seeking for transfer of investigation from the file of the second respondent to any other officer not below the rank of Inspector of Police and this Court, by an order dated 27.04.2022, had directed the Deputy Superintendent of Police, Perambalur to monitor the investigation done by the second respondent and also directed the second respondent to complete the investigation and file the final report before the Court concerned within period of six months from the date of receipt of copy of that order.

3. Learned counsel for the petitioner further submitted that since the final report was not filed within a time frame fixed by this Court, the petitioner has filed this contempt petition. He also submitted that only after filing this petition, the petitioner came to know that the final report in this case was filed on 31.03.2023, even prior to the order passed by this Court on 27.04.2022. Subsequently, the petitioner has also filed the protest petition in M.P.No.710 of 2022 and on the directions issued by the learned Magistrate, further investigation has been ordered.



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4. The respondent Police has filed a Status Report.

5. Learned Government Advocate (Crl.Side) submitted that even prior to the order passed by this Court on 27.04.2022, the respondent Police had completed the investigation and filed the final report on 31.03.2022, referring the case as a "Mistake of Fact". He further submitted that the respondent Police has not committed any act of contempt and thereby, he prayed for closing the contempt petition.

6. In view of the above, this Court is of the opinion that the respondent Police has filed the final report referring the case as a "Mistake of Fact", against which, the petitioner had filed the protest petition and thereby, the further investigation has been ordered. Thereby, this Court, finding that the respondents have not committed any contempt, is inclined to closed this petition.

7. Recording the above submissions., this Contempt Petition stands closed.

06.07.2023

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To

1. The Deputy Superintendent of Police,
Perambalur District,
Perambalur.
2. The Inspector of Police,
Arumbavur Police Station,
Perambalur District.
3. The Public Prosecutor,
High Court of Madras.



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