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Cont.P.No.1677 c

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cont.P.No.1677 of 2023

in

Crl.O.P.No.10380 of 2021

[Through Video conferencing]

R.Mathanagopal

... Petitioner / Petitioner

Vs.

Karpagam,
The Inspector of Police,
Valparai Police Station.
Valparai,
Coimbatore District.

... Respondent / 2nd Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondent for the willful disobedience of the order passed in Crl.O.P.No.10380 of 2021 dated 24.06.2021 on the file of this Court.

For Petitioner : Mr.S.P.Vijaya Nivas

for Mr.Nagendra Prasath

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

Alleging wilful disobedience of the order passed by this Court in CrI.O.P.No.10380 of 2021 dated 24.06.2021, this Contempt Petition has been filed.

2. The petitioner had approached this Court seeking protection for peaceful enjoyment in respect of his land and further to give police protection. This Court, by its order dated 24.06.2021 passed in CrI.O.P.No.10380 of 2021, after hearing the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, had found that there were some matrimonial and civil disputes between the petitioner and his wife. There was exchange of notices and there was no cordiality between them. In view of the same, several complaints have been lodged. Considering the same, this Court had directed the parties to approach the Civil Court and settle their dispute and also observed that as and when situation arises, the respondent Police would take appropriate action.

3. The learned counsel for the petitioner submits that after the order passed by this Court in CrI.O.P.No.10380 of 2021 dated 24.06.2021, due to the negligent attitude of the respondent Police in providing police protection to the petitioner for an occurrence taken place on 13.10.2022, wherein, the petitioner



was assaulted, the petitioner issued pre-contempt notice and had filed this Contempt Petition.

4. The learned Government Advocate appearing for the respondent Police had filed a status report before this Court, which reads as follows:

“9. I further submit that on 27.01.2022, the Estate employees, the petitioner's wife wrongfully restrained the petitioner, therefore, he lodged a complaint based on which CSR was issued under CSR No.30/2022 and then on 11.04.2022, FIR has been registered as against all the persons in Crime No.93/2022 for the offences under Sections 147, 294(b), 348, 452 and 506(ii) of IPC. In that case also, the Sub Inspector of police, Gunasekaran completed his investigation and charge sheet has been filed and the case was taken on file by the Hon'ble Judicial Magistrate, Valparai in CC No.19/2022 on 17.06.2022.

10. I further submit that it is true that the petitioner sent a legal notice through his Advocate on 02.11.2022. I further submit that before that on 13.10.2022, the petitioner's son Dhanush caused hindrance to the petitioner based on his complaint and statement, on 14.10.2022, CSR has been issued under CSR No. 247/2022 and then FIR has been registered as against him in Crime No.177/2022 for the offences under sections 341, 294(b), 323, and 506(ii) and subsequent to the registration of the case, investigation was completed and charge sheet has been filed by the person, who conducted the investigation namely the



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Sub- Inspector, Thangaraj. In the meantime, Inspite of the Order passed by the Hon'ble High Court, the petitioner and his rival parties created law and order issue. Therefore, the illegal act of them caused breach of peace.

11. Therefore, the issue has been referred before Sub Divisional Magistrate and District Revenue Officer under Section 107 of Cr.PC and further 145 proceedings also initiated through appropriate authority.

12. I further submit in obedience to the order of their Hon'ble Court sufficient protection has been given to the petitioner and the beat constables are also marched daily to the said the estate of the petitioner with strict instructions to watch that area carefully till date.

13. Therefore, it is incorrect to say based on the order passed by the Hon'ble High Court Tmt. Karpagam, then the Inspector have failed to comply with Order of the Court. Being the lawful enforcing authority, she has given all sorts of safety measures to the petitioner in all the angles and she has initiated appropriate proceedings, the persons who have committed illegal act as against the petitioner. Everything is fully known to the petitioner. Knowing fully all of the same, by suppressing all the deeds of the said inspector filed this contempt petition with a view to harassment. I further submit that I have not violated any order of the court. Without conceding the allegation of the petitioner, I am voluntarily seeking the apologies from this Hon'ble court. Now, she is not in the post and was relieved from there. Without impleading the person, who is in charge of the said Police Station,



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now filed an application as against her is Unsustainable and I reserve my right to file additional counter statement.”

The learned Government Advocate also submitted the final reports in Crime Nos.93/2022, 177/2022 and 13/2022 and the photographs showing the attempt of Police to serve the notice to the petitioner, wherein, the petitioner was not available and door was locked.

5. Considering the above submission and the status report filed by the respondent, this Court finds that there is no case of contempt. Hence, the Contempt Petition stands dismissed.

15.09.2023

Index : Yes / No
Internet : Yes / No
Lm

To

The Inspector of Police,
Valparai Police Station.
Valparai,
Coimbatore District.



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M.NIRMAL KUMAR, J.

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