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Cont.P.No.1514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

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

Contempt Petition No.1514 of 2023

1.Jayagarmoorthy

2.Chitra

... Petitioners

Vs.

A.Dowlath Nisha,
The Inspector of Police,
All Women's Police Station East,
Puliyakulam, Ramanathapuram,
Coimbatore – 641 045.
Crime No.14 of 2021.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent herein for her willful disobedience of non-compliance of ad-interim stay order not to proceed further against the petitioners in FIR in Crime No.14 of 2021 passed by this Hon'ble Court dated 18.04.2022 and 01.08.2022 in CrI.MP.No.4890 of 2022 in CrI.OP.No.8388 of 2022.



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For Petitioners : Mr.Vimal Bobby Crimson
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This petition has been filed to punish the respondent for non compliance of the ad-interim stay order against the petitioners in Cr.No.14 of 2021 passed by this Court in Crl.O.P.No.8388 of 2022 dated 01.08.2022.

2. It is the case of the petitioners that they have filed Crl.OP.No.8388 of 2022 seeking to quash the FIR in Crime No.14 of 2021 pending on the file of the respondent. It is further case of the petitioners that this Court had granted interim stay for further proceedings in F.I.R. No.14 of 2021 pending on the file of the respondent, in respect of the petitioners alone for a period of eight weeks. While Crl.OP.No.8388 of 2022 was pending, the respondent without taking into consideration and in violation of the interim stay granted by this Court had filed the final report against these petitioners and thereby, the respondent had committed the contempt.



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3. Mr.Vimal Bobby Crimson, learned counsel for the petitioners would submit that the petitioners are respectively the father-in-law and mother-in-law of the defacto complainant. The marriage between the defacto complainant and the son of the petitioners was solemnized on 15.07.2012 and during the year 2013, the defacto complainant along with the son of the petitioners, left to Kuwait and they were living in Kuwait for more than 8 years. Due to the matrimonial dispute between them, the defacto complainant had come back from Kuwait and she had given a complaint, implicating the petitioners who have been at no point of time lived in the matrimonial home along with the defacto complainant. He would further submit that the defacto complainant had implicated the petitioners on vague allegations and despite the order of interim stay being granted by this Court in Crl.OP.No.8388 of 2022 dated 18.04.2022 not to file the final report, the respondent had filed the final report and thereby, the respondent has committed contempt.

4. The learned Government Advocate (Crl.Side) appearing on the respondent would submit that on verification of records it was found that, when the matter is listed on 01.08.2022 this Court had adjourned the matter



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to 04.08.2022 and the interim stay was extended only until 04.08.2022 and thereafter the interim stay was not extended and only thereafter the respondent had completed the investigation had filed the final report and thereby, the respondent has not committed any contempt. In support of his contention, he relied upon the Judgment of the Apex Court in **Asian Resurfacing of Road Agency Vs. Central Bureau of Investigation reported in 2018 (16) SCC 299** and thereby, he would seek for dismissal of the contempt petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. This Court had initially granted interim stay on 22.07.2022 and it was not extended beyond 04.08.2022 and only thereafter the respondent had filed the final report and this Court does not find any contempt having been committed by the respondent and thereby, this Court is inclined to close the contempt petition. Accordingly, this Contempt Petition is closed.

11.07.2023

drl



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To

1. The Inspector of Police,
All Women's Police Station East,
Puliyakulam, Ramanathapuram,
Coimbatore – 641 045.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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