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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2023

Coram:

The Hon'ble Mr.Justice A.D.JAGADISH CHANDIRA

**Contempt Petition No.2128 of 2022
in Crl.O.P.No.13521 of 2021**

A.Bose

...Petitioner

Versus

Mr.Arulprasad,
Inspector of Police,
CBCID North, Kancheepuram.
(Crime No.2 of 2016)

...Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 praying to punish the respondent herein for contempt of Court for violating his own undertaking given to this Court and not obeying the order of this Court dated 23.03.2022 in Crl.O.P.No.13521 of 2021.

For Petitioner : Mr.R.Sankarappan

For Respondent : Mr.S.Balaji,
Government Advocate



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ORDER

This Contempt Petition has been filed by the petitioner seeking to punish the respondent for violating his own undertaking given to this Court and not obeying the order dated 23.03.2022 passed by this Court in CrI.O.P.No.13521 of 2021.

2. The case of the petitioner is that he is a power agent of one Tr.T.S.Ganeshraja and Tr.G.Logeshwaran S/o. Tr.T.S.Ganeshraja. The said Ganeshraja filed a civil suit in O.S.No.12 of 1996 before the District Munsif Court, Chengalpattu, Kancheepuram District and during the trial of the suit, the said Ganeshraja had marked six documents as Exhibits A1 to A6. The said suit was dismissed on 19.11.2002. Aggrieved over the dismissal of the suit, the said Ganeshraja preferred an Appeal in A.S.No.6 of 2003 before the Sub Court, Chengalpattu which also came to be dismissed on 29.07.2004. So, the said Ganeshraja filed a Second Appeal in S.A.No.1214 of 2010 before this Court. When this Court called for the original records from the trial Court, it was reported that Exhibits A1 to A6 are not available and the



same were taken by an Advocate viz., E.Nandhakumar by forging the signature of said Ganeshraja. Hence, the petitioner has filed a petition before the learned Principal District Judge, Chengalpattu, Kancheepuram District on 25.09.2015 seeking to take appropriate action and retrieve the original Exhibits A1 to A6 from E.Nandhakumar, Advocate.

2.1. Subsequently, the learned Principal District Judge, Chengalpattu, Kancheepuram District had forwarded the aforesaid petition to the Inspector of Police, D-1 Chengalpattu Town Police Station, pursuant to which, FIR was registered in Crime No.68 of 2016 against the said E.Nandhakumar, Advocate for the offences under Section 420 & 468 of I.P.C. Then, the petitioner filed a petition in CrI.O.P.No.16928 of 2016 before this Court seeking to direct the Inspector of Police, D-1 Chengalpattu Town Police Station to file the final report in Crime No.68 of 2016. However, this Court vide order dated 04.08.2016, directed the Inspector of Police, D-1 Chengalpattu Town Police Station to transfer the case in Crime No.68 of 2016 to the Investigating Officer of CBCID for further investigation.



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2.2. On 15.10.2016, the respondent police has re-registered the case in Crime No.2 of 2016. Even after the case was transferred to CBCID, final report was not filed by the respondent police. Therefore, the petitioner filed a petition in Crl.O.P.No.13521 of 2021 before this Court, seeking to direct the respondent police to complete the investigation in Crime No.2 of 2016 and file the final report, within a period fixed by this Court.

2.3. On 23.03.2022, when Crl.O.P.No.13521 of 2021 was taken up for consideration, the learned Additional Public Prosecutor appeared on behalf of the respondent police on instructions from Mr.Arul Prasad, Inspector of Police, CBCID, Kancheepuram District submitted that the investigation in Crime No.2 of 2016 has been completed and the final report will be filed within a period of three months. Hence, this Court recorded the said submission of learned Additional Public Prosecutor and disposed of the said Crl.O.P.No.13521 of 2021. However, the respondent police failed to file the final report, as per the undertaking given by the learned Additional Public Prosecutor before this Court on 23.03.2022, thereby, disobeyed the order dated 23.03.2022 passed by this Court in Crl.O.P.No.13521 of 2021



and committed contempt of Court. Hence, the petitioner has filed the present contempt petition.

3. Today, when this contempt petition was taken up for hearing, there is no representation for the petitioner either in person or through his counsel.

4. Mr.S.Balaji, learned Government Advocate appearing for the respondent police has filed a detailed Status Report before this Court, wherein, it is stated that the Final Report has been filed before the Judicial Magistrate Court No.I, Chengalpattu on 25.07.2023. He has also produced a copy of the said Final Report before this Court.

4.1. The learned Government Advocate submitted that in the present case, FIR was registered against the accused E.Nandhakumar, Advocate for the offences under Sections 420 & 468 of I.P.C and the Final Report has been filed against him under Sections 465, 466, 468, 471 & 420 of I.P.C. He further submitted that the six documents which were marked as the Exhibits A1 to A6 in O.S.No.12 of 1996, before the District Munsif Court,



Chengalpattu, Kancheepuram District had been surreptitiously removed from the Court by the accused E.Nandhakumar, Advocate. So, it took much time for the respondent police to collect several documents from various Registrar Offices and hence, there was a delay in filing the Final Report. The respondent police has not intentionally delayed the filing of Final Report and the delay has occurred on account of collection of documents from various Registrar Offices.

5. Today, the Deputy Superintendent of Police, Kancheepuram and Mr.R.Arulprasad, Inspector of Police, CBCID North, Kancheepuram are present before this Court and they tendered their apology for the delay in filing the Final Report.

6. Heard the learned Government Advocate appearing for the respondent police and perused the materials available on record including a copy of the Final Report dated 25.07.2023.

7. Considering the facts and circumstances of the case and also,



having regard to the submissions made by the learned Government Advocate appearing for the respondent police, this Court accepts the apology of the aforesaid Police Officials and concludes that the order dated 23.03.2022 passed by this Court in Crl.O.P.No.13521 of 2021 has been complied with by the respondent Police. Hence, this Contempt Petition is closed.

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Index: Yes/No

A.D.JAGADISH CHANDIRA, J.

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