



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

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

Contempt Petition No.2678 of 2022

S.Zahir Hussain

... Petitioner

Vs.

1. Mr.Pagalavan
Deputy Commissioner of Police,
Triplicane Range,
Chennai.

2. Mr.Ravi Abiram,
Assistant Commissioner of Police,
Nungambakkam Range,
Chennai.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents under Contempt of Courts Act, 1971, for having committed the act of contempt of this Court's order dated 17.03.2022 in CrI.O.P.No.6066 of 2022.

For Petitioner : Mr.S.Doraiswamy

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



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ORDER

This petition has been filed seeking to punish the respondents for contempt for having not complied with the order of this Court passed in CrI.O.P.No.6066 of 2022 dated 17.03.2022.

2. The said Criminal Original Petition was filed seeking transfer of investigation pending in Crime No.382 of 2021 on the file of the second respondent therein viz, the Inspector of Police, Thousand Lights Police Station, Chennai to some other agency.

3. By the above order, this court had directed the Commissioner of Police, Chennai (R1 in the Criminal Original Petition) to transfer the case pending on the file of the Inspector of Police, Thousand Lights Police Station, Chennai (R2 in the Criminal Original Petition) to the second respondent herein viz., Assistant Commissioner of Police, Nungambakkam Range, Chennai with a direction to secure the CCTV footage, if available, and investigate the case. While fixing an outer time limit of four months for completion of the investigation, this court had directed that the investigation



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shall be monitored by the first respondent herein viz., the Deputy Commissioner of Police, Triplicane Range, Chennai.

4. Contending that the said order has not been complied with in its letter and spirit, the present Contempt Petition has been filed.

5. Learned counsel for the petitioner submitted that this court, having observed the compelling necessity for transfer of investigating agency, has not only directed the Commissioner of Police, Chennai to transfer the investigation to the file of the second respondent herein for further investigation to be monitored by the first respondent herein, but also directed the second respondent herein to secure the CCTV footage and thereupon complete the investigation within a period of four months, however, the respondents are deliberately disobeying the orders of this court by not initiating any steps to secure the CCTV footage and not recording the statement of the complainant and the witnesses and trying to dilute the issue.

6. After some accommodation having been availed to file a Status Report, an Affidavit of Thiru.P.Pakalavan, Deputy Inspector General of



Police, Kanchipuram District, who was the then Deputy Commissioner of Police, Triplicane Range has been filed, the relevant portion of which is extracted hereunder for ready reference:

“8. It is submitted that the direction of Hon'ble High Court of Madras in Crl.O.P.No.6066/2021 dated 17.03.2022, was received by Assistant Commissioner of Police, Nunambakkam Range, Ravi Abiram.R on 25.04.2022.

9. It is submitted that as per the directions issued by the Hon'ble High Court, Madras, the Inspector of Police, F-4 Thousand Light Police Station (L&O) should hand over the entire CD files in F-4 Thousand Lights Police Station Cr.No.382/2021 to the Assistant Commissioner of Police, Nungambakkam Range for further investigation.

10. It is submitted that the Assistant Commissioner of Police, Nungambakkam Range commenced the investigation immediately and took necessary steps to collect the CCTV footage. The investigation was completed and charge sheet was filed before the court within the stipulated time. Then the progress of the investigation was informed every week and it was monitored by The Deputy Commissioner of Police Triplicane District.



11. *It is submitted that on the direction of Hon'ble High Court of Madras in Crl. O.P.No.6066/2021 dated 17.03.2022. Ravi AbiRaam.R, Assistant Commissioner of Police, Nungambakkam Range, under the supervision of Deputy Commissioner of Police, Triplicane Range, completed the investigation on 15.05.2022, merged the Crime Nos. 382/2021 and 397/2021 for the offences u/s. 447, 189, 205, 419, 420, 341, 294(b), 332, 353, 120(b), 506() IPC r/w 34 IPC, prepared the final report on 12.07.2022, after having obtained the approval from Assistant Public Prosecutor, laid the final report before the XIVth Metropolitan Magistrate Court, Egmore, Vide S.R.No.31289/2022 dated 14.07.2022 and was taken on file in C.C.No.6942/2022 dated 26.07.2022.*

12. *It is submitted further that in Crime No.383/2021 u/s. 341, 323 IPC, registered at F-4 Thousand Light Police Station the investigation of the case was finalized by the investigating officer as Mistake of Fact and further action was dropped and laid before the XIVth Metropolitan Magistrate Court, Egmore, and taken on file in Crl.M.P.No. 22937/2022 dt. 08.08.2022 and 29.12.2022 Mr.Ghulam Mohammed Ibrahim's Protest Petition in Cri.M.P.No. 28872/2022 was dismissed and final report closing the Crime No.383/2021 registered against Mr.Sankaran as Mistake of Fact was allowed by XIVth*



Metropolitan Magistrate Court, Egmore.”

7. Pointing out the Affidavit filed by the first respondent, learned Government Advocate (Criminal Side) has brought to the notice of this court the following progress in the case:-

i) In due compliance of the order passed by this Court on 17.03.2022, the case was transferred to the second respondent herein for investigation in the matter vide a Memorandum dated 28.4.2022 issued by the first respondent herein.

ii) Thereupon, the second respondent had commenced the investigation immediately and having found that it was a case and a case in counter, he took up investigation in all the three cases viz., Crime Nos.382/2021, 383/2021 and 397/2021 and examined the witnesses.

iii) During the course of investigation, the second respondent herein had seized the CCTV footages.

iv) Having found that the complaint of the petitioner was false, the case in Crime No.383 of 2021 was referred as mistake of fact, further action was dropped and the final report has been filed before the XIV Metropolitan Magistrate, Egmore, which was taken on file by the learned Judge in



Crl.M.P.No.22937 of 2022 dated 08.08.2022.

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v) Notice was issued to the petitioner/complainant giving a chance to file a protest petition and the protest petition filed by him in Crl.M.P.No.28872 of 2022 came to be dismissed by the learned Magistrate after hearing the petitioner while accepting the final report filed by the police.

vi) As a consequence of the investigation conducted by the second respondent under the supervision of the first respondent herein, the cases in Crime Nos.382/2021 and 397/2021 for the offences punishable under Sections 447, 189, 205, 419, 420, 341, 294(b), 332, 353, 120(b), 506(ii) IPC read with Section 34 IPC were merged and final report was prepared on 12.7.2022 and filed the same before the XIV Metropolitan Magistrate Court, Egmore vide S.R.No.31289/2022 dated 14.7.2022 and the same was taken on file in C.C.No.6942/2022 dated 26.7.2022.

vii) After obtaining certification under Section 65(B) of the Information and Technology Act with regard to the CCTV footages seized, the same were produced before the Court.



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8. Heard the learned counsel appearing for either side and perused the materials available on record including the Affidavit filed by P.Pakalavan, the Deputy Inspector General of Police, Kancheepuram District, who was the then Deputy Commissioner of Police, Triplicane Range.

9. In view of the submissions made by the learned Government Advocate and the progress made in the matter as could be seen from the Affidavit filed by the official, this Court is of the opinion that the no question of contempt arises in the matter and thereby, this Court is inclined to close the Contempt Petition. Accordingly, this Contempt Petition is closed.

17.07.2023

vkr/ssk.



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A.D.JAGADISH CHANDIRA.,J.

vkr/ssk.

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