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Cont.P.No.2207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Contempt Petition No. 2207 of 2023

S. Rajesh

.. Petitioner

Versus

Mr. Madhaiyan Rangasamy
The Inspector of Police
Sulur Police Station
Coimbatore District

.. Respondent

Contempt Petition is filed under Section 10 of Contempt of Court Act to punish the respondent for willful disobedience of this Court order dated 08.03.2022 passed in Crl.O.P.No.5294 of 2022.

For Petitioner

: Mr. K. Myilsamy

For Respondent

: Mr. C.E. Pratap

Government Advocate (Crl.Side)

ORDER

This contempt petition has been filed seeking to punish the respondent for willful disobedience of the order passed by this Court on 08.03.2022 in Crl. O.P. No. 5294 of 2022.



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2. It is the case of the petitioner that he had lodged a complaint before Sular Police Station against one Sri Hari and several others. Since no action was taken on the complaint, he preferred a petition under Section 156(3) of the Criminal Procedure Code in CMP No.3342 of 2019 before the learned Judicial Magistrate, Sular seeking registration of a First Information Report. The learned Magistrate, by an order dated 04.10.2019 had allowed the same. Even thereafter, the respondent had not taken any action and remained silent without conducting any enquiry and thereby, the petitioner has sent a representations dated 12.12.2020 and 18.02.2021 to the respondent to take further action. Even then, since no action was taken by the respondent, the petitioner had approached this Court under Section 482 of Cr.P.C seeking for direction to direct the respondents to register the FIR. Subsequently, the respondent registered the FIR in Cr.No.617 of 2021 against the accused for the offence under Sections 120(b), 420, 423, 464, 466, 471 of IPC. Thereafter, since no further action was taken, the petitioner had approached this Court by filing a petition in CrI.O.P.No.5294 of 2022 to direct the respondent to conduct investigation and to file a final report. This Court by an order dated 18.03.2022, after hearing the respondents, directed the respondent herein to complete the investigation and to file the final report within a period of one year from the date of receipt of a copy of the order. However, even after lapse



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of one year, final report was not filed. Therefore, the petitioner had approached this Court to initiate contempt proceedings against the respondent and punish him.

3. Earlier, when the matter was listed on 25.09.2023, it was submitted by Mr. K. Mayilsamy, learned counsel appearing for the petitioner that right from the beginning, the respondent police has shown reluctance to register the case. On the same day, Mr. M. Gunasekaran, Inspector of Police, Kovilpalayam Police Station, who was in-charge of Sular Police Station, Coimbatore District, was present before this Court. He submitted that investigation was completed and final report has also been made ready. Since one Madhaiyan Rangasamy, who was the Inspector of Police, Sular Police Station, had met with an accident, he was unable to file the final report within time and it was also mentioned that the final report was filed on 25.09.2023. On the basis of such representation, this Court directed the respondent to file a status report on 18.10.2023 and the matter is listed today.

4. Mr. C.E. Pratap, the learned Government Advocate (crl.side) would submit that the respondent has not committed any contempt. One Madhaiyan Rangasamy, Inspector of Police, is the person responsible to file



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the final report. Since he met with an accident, he was unable to file the final report and thereby, the present Inspector Mr. M. Gnanasekaran, who is in-charge of Sulur Police Station, has filed the final report on 25.09.2023 vide E-filing and that the matter has been taken up in CMP No.4646/2023 on 06.10.2023. Since the name of A3 and A6 have been deleted in the final report, the learned Magistrate has directed the respondent to take notice to the defacto complainant. Pursuant to which, notice was also taken on the defacto complainant and he has appeared in person before the Court and had accepted for the deletion of the name of A3 and A6 from the Final Report. He would reiterate that the delay in filing the final report is neither willful nor wanton, however, only on account of the fact that Mr. Madhaiyan Rangasamy, suffered injuries due to accident. He would also submit that now the order has been complied with and the respondent may be absolved from all further proceedings in this contempt petition.

5. Heard both sides and perused the materials available on records carefully.

6. It is now represented by the respondent that the order passed by this Court, dated 08.03.2022 has been complied with and the delay is on



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account of the Inspector of Police getting hurt in an accident. It is also submitted that notice has also been issued to the respondent and he also appeared before the learned Judicial Magistrate.

7. Today, Mr. Madhaiyan Rangasamy, Inspector of Police, is present before this Court. He would also submit that since he met with an accident and suffered injuries, he was unable to file the final report within the time. He also seeks apology from this Court for non-complying the order within time and prayed to purge him from all further proceedings in this contempt petition. The apology of the respondent is accepted and the contempt petition stands closed.

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Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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