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Cont.P.No.2904 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

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**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Contempt Petition No.2904 of 2022

Vinayagam

... Petitioner

vs.

G.Muthukumaraswamy,  
The Inspector of Police,  
Thanipadi Police Station,  
Tiruvannamalai District.  
(Crime No.702 of 2021)

... Respondent

**Prayer:** Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondent herein for committing contempt of the orders passed by this Court in Crl.O.P.No.64 of 2022 dated 06.01.2022.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.R.Muniyapparaj  
Additional Public Prosecutor

**ORDER**

The Contempt Petition has been filed for non-compliance of the order passed by this Court in Crl.O.P.No.64 of 2022 dated 06.01.2022.



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2. Mr.V.Babu, P.C. 2081, Thanipadi Police Station, Tiruvannamalai

District is present before this Court.

3. The petitioner herein, earlier filed Crl.O.P.No.64 of 2022 seeking a direction to the respondent police to complete the investigation in Crime No.702 of 2021 and to file a final report.

4. This Court, by order dated 06.01.2022, directed the Inspector of Police, Thanipadi Police Station, Tiruvannamalai District to file a final report or closure report, as the case may be, within a period of six months. Thereafter, no action has been taken. Hence, the petitioner has filed the above contempt petition.

5. Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has filed this contempt petition for the reason that the charge sheet in Crime No.702 of 2021 is yet to be taken on file. On the other hand, he filed a protest petition before the District Munsif-cum-Judicial Magistrate, Thandarampet in Crl.M.P.No.3416 of 2021. Through this petition, he protested for deleting the name of some of the accused



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namely, 1.Krishnan, 2.Malar, 3.Loganathan, 4.Muniammal, 5.Venkatesan, 6.Krishnaveni, 7.Krishnamoorthy, 8.Ramadoss, 9.Kanagaraj, 10.Selvaraj, 11.Boominathan, 12.Saminathan, 13.Sivaprakasam, 14.Jeyanthi, 15.Datchinamoorthy, 16.Uthiram, 17.Ammakannu, 18.Selvaraji, 19.Dhandapani and 20.Narayanasami, who are all named by him when CSR No.372 was assigned. The trial Court considering the petitioner's protest, directed the Inspector of Police, Thanipadi Police Station to conduct further investigation and to file a report. For these reasons, the final report in the above case could not be filed and getting delayed. He further submitted that further investigation is at the instance of the petitioner and hence the delay has occurred. In such circumstances, the above petition ought not to have been filed by him and in order to exert pressure on the police officials for obvious reasons, contempt petition cannot be used. Hence, strongly objected to the same. He also produced the Office Memo dated 02.08.2022 issued by the learned District Munsif-cum-Judicial Magistrate, Thandarampet.

6. Considering the submissions and on a perusal of the material it is seen that at the instance of the petitioner, further investigation in Crime No.702 of 2021 carried out. In view of the same, this Court finds that there



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**M.NIRMAL KUMAR, J.**

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is no contempt committed by the respondent and there is no reason to entertain this petition. Hence, the Contempt petition is dismissed.

27.01.2023

Index : Yes/No

Internet : Yes/No

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