



Cont.P.No.39 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HON'BLE Mr.JUSTICE N.SATHISH KUMAR

Contempt Petition No.39 of 2023 and
Sub Application(OS)No.24 of 2023

Harivarasan Srinivasan

... Petitioner

Vs.

1.V.Badri Narayanan,
The Superintendent of Police,
Coimbatore District.

2.Tamilmani,
The Deputy Superintendent of Police,
Pollachi, Coimbatore District.

3.Murugan,
The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying and violating the orders of this Court dated 28.06.2022 passed in W.P.No.16473 of 2022 in spite of them having been notified of the said order.

For Petitioner : Mr.I.Abrar Mohamed

For Respondent : Mr.S.Vinothkumar,
Government Advocate (Crl. Side)

ORDER

This Contempt Petition has been filed to punish the respondents

for willfully disobeying and violating the order of this Court, dated



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28.06.2022 passed in W.P.No.16473 of 2022 in spite of them having been notified of the said order.

2.The Writ Petition in W.P.No.16473 of 2022 was filed to forbear the respondents from interfering with the functioning/activities of the firm M/s.Harrybhai Stud Farm LLP situated at S.F.No.4647, Unjavelampatti Village, Udumalai Road, Pollachi Taluk and the same was disposed on the submission made by the learned Additional Public Prosecutor that the Police will not interfere with the civil dispute between the parties except law and order issue. Thereafter, it appears that based on the complaint given by one of the private party who happened to be wife of one of the partner, a criminal case has been registered against the petitioner for the alleged offence under Sections 120(B), 403, 406 and 420 of IPC in Crime No.28 of 2022 by the Inspector of Police, District Crime Branch, Police Station.

3.Now, it appears that on completion of investigation in Crime No.28 of 2022, a final report has been filed before the learned Judicial Magistrate No.II, Pollachi and taken on file as C.C.No.511 of 2023. During investigation, it appears that the petitioner has been arrested and 13 horses



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were produced before the Judicial Magistrate No.II, Pollachi. The learned Magistrate, by order, dated 15.12.2022 has sent the horses for keeping in safe custody in M/s.RM Stud Firm, Horse Care and Protection Firm, Pollachi.

4.On considering the submissions and on perusal of the materials, the entire issue appears with regard to the dispute between the partners of the firm. Now, the criminal complaint lodged against the petitioner by one of the private party who happened to be wife of one of the partner, is also lead to filing of final report. At this stage, this contempt application has been filed that the investigation is motivated. Such aspect cannot be decided in the contempt application.

5.In such view of the matter, it is for the petitioner to work out his remedy in the manner known to law and the not by way of contempt petition. Accordingly, this Contempt Petition is closed. No costs. Consequently, the connected Sub Application(OS)No.24 of 2023 is also closed.

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N.SATHISH KUMAR, J.

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

To

The Public Prosecutor,
High Court, Madras.

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