



CONT.P.(MD)No.1566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CONT.P.(MD)No.1566 of 2022

in

W.P.(MD)No.11977 of 2021

1.S.Manikandan

2.S.Rathinam

... Petitioners/
Petitioners

VS.

Prema
The Inspector of Police,
Uvari Police Station,
Tirunelveli.

... Contemnor/
3rd Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the contemnor/respondent for willfully and deliberately disobeying the order of this Court made in W.P.(MD)No. 11977 of 2021 dated 22.02.2022.

For Petitioners : Mr.A.Balakrishnan

For Contemnor : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Contempt Petition has been filed to punish the contemnor/respondent for willfully and deliberately disobeying the order of this Court made in W.P.(MD)No.11977 of 2021 dated 22.02.2022.

2. It is seen from the records that this Court vide order dated 22.02.2022 in W.P.(MD)No.11977 of 2021 directed the third respondent therein to conduct enquiry on the complaint dated 24.05.2021 after issuing notice to the petitioners therein and the respondents 4 to 9 therein, and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of that order.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the contemnor/respondent would submit that the respondent/third respondent therein has conducted an enquiry and since the dispute is civil in nature, directing the parties to sort out their problems through civil Court, closed the complaint and he has also produced the closure report.

4. It is evident that the closure report was made on 04.02.2023.



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5. The learned counsel appearing for the petitioners would submit that challenging the judgment and decree passed in appeal suits, the petitioners have preferred second appeals in S.A.Nos.2057, 2058 and 2059 of 2002 and S.A.(MD)No.412 of 2004 and this Court vide judgment dated 02.02.2023 allowed two appeals in S.A.Nos.2058 and 2059 of 2002 and dismissed the other two appeals.

6. When this Court has directed the respondent/third respondent therein to conduct an enquiry and pass orders within a period of two weeks vide order dated 22.02.2022, this Court is at loss to understand and how the respondent/third respondent therein, without taking steps for one year, after filing the contempt petition, has hurriedly conducted an enquiry and closed the matter, without taking note of the pending second appeals at that time. Since the second appeals were disposed by this Court, the closure order dated 04.02.2023 passed by the Inspector of Police, Uvari Police Station, Tirunelveli is hereby set aside. The respondent is directed to conduct an enquiry, after issuing notice to all the parties, taking note of the judgement of this Court in the second appeals and pass orders within a period of two weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Contempt Petition stands disposed

of.

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09.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
csm

To

- 1.The Inspector of Police,
Uvari Police Station,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

ORDER MADE IN
CONT.P.(MD)No.1566 of 2022
in
W.P.(MD)No.11977 of 2021

Dated : 09.02.2023