



Cont.P(MD)No.1814 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1814 of 2017
in
W.P(Crl.)No.68 of 2008
with
S.L.Ps(Crl.)Nos.5986 of 2006, 5200 of 2009
Crl.A.Nos.1410 of 2011, 1267 of 2007 and
Contempt Petition(C)No.D26722 of 2008
in
W.P(Crl.)No.68 of 2008

Dr.Mr.J.Mohamed Abdulkadar

... Petitioner

Vs.

1.Dr.Niranjani Mardi, I.A.S.,
Home Secretary,
O/o.Home, Prohibition and Excise Department,
Secretariat,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai – 600009.

2.Mr.Ashok Kumar, I.P.S.,
The Director General of Police,
O/o.Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.



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3.Mr.Om Prakash Meena,
The Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram District.

4.Mr.Senthil Kumar,
The Inspector of Police,
Kenilkarai Police Station,
Ramanathapuram District.

5.Mr.Vellathurai,
The Additional Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram District.

... Contemnors/Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against the contemnors/respondents and punish them for the willful disobedience of the order dated 12.11.2013 made in W.P(Crl.) No.68 of 2008 with S.L.P(Crl.)Nos.5986 of 2006, 5200 of 2009, Criminal Appeal Nos.1410 of 2011, 1267 of 2007 and Contempt Petition (C) No.D26722 of 2008 in W.P(Crl.)No.68 of 2008, decided on November 12, 2013 on the file of the Hon'ble Supreme Court of India reported in SCC (2014) 2 SCC 1.

For Petitioner :Mr.T.Lajapathi Roy,
Senior Counsel for
Mr.S.Rajasekar

For R-1 :Mr.P.Thilak Kumar,
Government Pleader

For R-2 to R-5 :Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This contempt petition is filed making certain allegations against the fifth respondent in terms of the judgment of the Hon'ble Supreme Court in ***D.K.Basu vs. State of West Bengal*** reported in ***AIR 1997 SC 610***, wherein the Hon'ble Supreme Court has issued certain directions making the erring officials liable to be prosecuted for violation of the directions of the Hon'ble Supreme Court.

2. The learned Senior Counsel appearing for the petitioner now admits that the private complaint lodged by the petitioner as against the fifth respondent in CrI.M.P.No.1448 of 2017 on the file of the learned Judicial Magistrate No.II, Ramanathapuram was closed on 30.06.2017.

3. The learned Additional Public Prosecutor appearing for respondents 2 to 5, has brought to the notice of this Court that the directions issued by the Hon'ble Supreme Court is not applicable to the present case on facts as the allegations against the fifth respondent are not against the manner in which the petitioner was



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arrested. But, making specific allegations against the fifth respondent as he had beaten the petitioner when he was called upon for enquiry, the petitioner has filed this contempt petition.

4. In such circumstances, this Court is of the view that there is no *prima facie* case made out by the petitioner for initiating contempt proceedings as against the respondents. Hence, leaving it open to the petitioner to pursue his private complaint as against the closure report and or other reliefs, this contempt petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
08.08.2023

Index : Yes / No
NCC : Yes/No

pm



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Secretariat, Fort St. George, Chennai – 600009.
- 2.The Director General of Police,
O/o.Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.The Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram District.
- 4.The Inspector of Police,
Kenilkarai Police Station,
Ramanathapuram District.
- 5.The Additional Superintendent of Police,
O/o.Superintendent of Police,
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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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