



CONT.P.(MD)No.1899 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.1899 of 2022

in

CrI.M.P.(MD)No.1699 of 2022

in

CrI.O.P.(MD)No.2317 of 2022

1.Dhamusheen
2.Ayisha Banu
3.Babu
4.Baritha
5.Kamilabegam
6.Abdhul Muthalip

... Petitioners

Vs.

Usha,
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.

... Contemnor

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willfully and wantonly showing disrespect and disobedience to this Court order in CrI.MP(MD).No.1699 of 2022 in CrI.OP(MD).No.2317 of 2022 dated 04-02-2022.



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For Petitioners : Mr.P.Sivachandran
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the contemnor.

2.The petitioners herein filed CrI.O.P.(MD)No.2317 of 2022 for quashing the FIR in Crime No.7 of 2021 registered on the file of the Inspector of Police, All Women Police Station, Pattukottai, Thanjavur District. This Court vide order dated 04.02.2022 granted interim stay. The order was passed in the presence of the learned Government Advocate (Crl. Side). Therefore, the jurisdictional police is deemed to have knowledge of the interim order passed by this Court. Subsequently, the order was also duly communicated to the respondent by the Registry. Strangely, the investigation officer chose to file final report on 22.03.2022. The learned Magistrate also took cognizance of the same and the case has now been numbered as C.C.No.51 of 2022 on the file of



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the learned Judicial Magistrate, Pattukottai. These developments led to the filing of this contempt petition.

3.The contemnor is present in person before this Court. She has filed an affidavit stating that she was not aware of the grant of interim order by this Court and that the Head Constables namely, G.Sarala and K.Nagarathinam failed to bring into her knowledge.

4.I have no doubt whatsoever in mind that what has happened is in rank defiance of the order passed by this Court. When this Court had specifically stayed the operation of the FIR in Crime No.7 of 2021, the Inspector of Police, All Women Police Station, Pattukottai could not have filed final report. Before filing the final report, the Inspector of Police was obliged to have made an enquiry if any quash petition has been filed and if any interim order has been granted therein. The order passed by this Court will have to be respected in letter and spirit. The learned trial Magistrate had taken the case on file without being aware of the interim order passed by this Court. I cannot and I will not fault the learned trial Magistrate. However, the clock has to be put back. The



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petitioners are entitled to be restored to the position which originally obtained. The learned trial Magistrate is directed to return the final report to the respondent and also terminate the proceedings in C.C.No.51 of 2022 forthwith and without any delay. The position that originally obtained will prevail. The rights of the parties will abide by the outcome of CrI.O.P.(MD)No.2317 of 2022. Since the rights of the petitioners have been protected by issuance of the aforesaid directions to the learned Judicial Magistrate, Pattukottai, even though I have rendered specific finding that the respondent had breached the order passed by this Court, still taking into account the affidavit of apology filed by the respondent, I refrain from finding her guilty of contempt or consequently punishing her. I warn the respondent to be careful in future.

5.The contempt petition is disposed of with the aforesaid directions. The Registry shall mark a copy of this order to the learned Judicial Magistrate, Pattukottai.

01.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.

Copy to:

The learned Judicial Magistrate,
Pattukottai.



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G.R.SWAMINATHAN, J.

ias

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