



WEB COPY



Cont.P.No.3296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Cont.P.No.3296 of 2024

in

C.M.P.No.17294 of 2023

Komesh Kumar

... Petitioner/Complainant

Vs.

1. Mr.Muthukumar,
The Inspector of Police,
Thirunindravur Police Station,
Thirunindravur - 602 024.

... 1st Respondent/Respondent

2. Senthil

... 2nd Respondent/Accused

PRAYER: Contempt Petition under Section 10 of Contempt of Courts Act, 1971 has been filed to punish the 1st respondent for his wilful disobedience in complying with the order dated 17.10.2023 passed by the learned Judicial Magistrate No.II, Thiruvallur, C.M.P.No.17294 of 2023.



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For Petitioner : M/s.G.S.Vivekanandan
For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
[for R1]

ORDER

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

The present contempt petition has been filed under Section 10 of Contempt of Courts Act, 1971 to punish the respondents for their wilfull disobedience of the order dated 17.10.2023 passed by the learned Judicial Magistrate - II, Tiruvallur in C.M.P.No.17294 of 2023.

2. The petition was filed before the learned Judicial Magistrate - II, Tiruvallur seeking a direction to the first respondent to register FIR against the second respondent based on his complaint dated 07.06.2023. The learned Judicial Magistrate - II passed an order on 17.10.2023 to conduct preliminary enquiry by following the decision of the High Court in the case of *Sugesan Transport Pvt. Ltd Vs. The Inspector of Police* reported in *2016(5) CTC 577*.



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3. Such general direction issued to the first respondent/Inspector of Police to consider the complaint filed by the petitioner would not provide a cause for filing a contempt petition under Section 10 of the Contempt of Courts Act, 1971. If at all, the petitioner is aggrieved, he has to file a private complaint.

4. That being the legal remedy available to the petitioner, he cannot file a contempt petition with an idea to enforce the general order in one way or the other.

5. The practice of filing contempt petition with an idea to pressurize the Police Authorities at no circumstances be entertained by the High Court. Growing trend is that on registration of the criminal case, certain accused persons are filing litigation against the Police Officials in their personal capacity, which cannot be encouraged by the High Court. Unless incriminating materials are available to raise personal allegations, no litigation is to be entertained based on certain general allegations made for the purpose of achieving their goal in an indirect manner. The present case



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is one such, where the petitioner instead of filing a private complaint, impleaded the Inspector of Police in his personal capacity and filed a contempt petition.

6. This being the factum, we do not find any reason to entertain the contempt petition and consequently, stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]
24.10.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. The Inspector of Police,
Thirunindravur Police Station,
Thirunindravur - 602 024.
2. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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AND
V.SIVAGNANAM, J.

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