



Cont.P.No.1205 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cont.P.No.1205 of 2024

M.V.Palanisamy

... Petitioner

vs.

Jawahar,
Sub-Inspector of Police,
Nallur Police Station,
Namakkal District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the interim order dated 12.03.2024 passed by this Court in Crl.M.P.No.4228 of 2024 in Crl.R.C.No.437 of 2024.

For Petitioner : Mr.C.Iyyappa Raj

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. Side)

ORDER

This Contempt Petition has been filed to punish the respondent for willful disobedience of the interim order, dated 12.03.2024 passed by this Court in Crl.M.P.No.4228 of 2024 in Crl.R.C.No.437 of 2024.

2.The learned counsel for the petitioner submitted that the



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petitioner and one Balasubramaniam/respondent in CrI.R.C.No.437 of 2024 are Trustees of Venkateswar, a Public Charitable Trust and there was some dispute between them. The petitioner sent a complaint on 15.12.2023 against the other trustees that they had misappropriated and swindled around Rs.42,00,000/-. As a counterblast, Balasubramaniam lodged a complaint against the petitioner under Section 156(3) Cr.P.C before the learned Judicial Magistrate, Paramathi. The order of the learned Magistrate was neither under Section 156(3) Cr.P.C nor under 202 Cr.P.C., hence, the petitioner approached this Court and filed revision in CrI.R.C.No.437 of 2024. This Court on 12.03.2024 finding *prima facie* order of the Magistrate admitted the revision and ordered notice to Balasubramaniam. In the order, dated 12.03.2024, it was made clear that the respondent Police *viz.*, the Inspector of Police, Nallur Police Station, Namakkal not to act in violation of the Hon'ble Apex Court direction. He further submitted that the petitioner sent notice to the respondent Police on 30.03.2024 informing that the order passed by the Magistrate is in challenge before this Court and submitted e-Court proceedings. The respondent Police received the same on 14.03.2024. In all fairness, the



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respondent Police ought to have shown restrain, but issued notice to the petitioner under Sections 160 and 91 Cr.P.C., referring to the Judicial Magistrate, Paramathi order, for appearance on 19.03.2024. Notice affixed in the doors of the petitioner's house. Since the above act of the respondent Police amounts to contempt, pre-contempt notice issued and thereafter, this contempt petition filed.

3.Mr.P.Jawahar, Sub Inspector of Police attached to the respondent Police Station appeared before this Court and filed affidavit submitting that he sent summon, dated 04.03.2024 to the petitioner through the Police Constable Mr.Duraisamy calling the petitioner to appear on 06.03.2024, but the petitioner was out of station and notice not served. Thereafter another summon sent to the petitioner on 07.03.2024 and the same was also returned since he was not available. The order of this Court, dated 12.03.2024 not communicated to the Police. In the pre-contempt notice, only e-Court proceedings sent. Added to it, the respondent Police not made as a party in CrI.R.C.No.437 of 2024 and the Additional Public Prosecutor was not aware about the order of this Court



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who normally informs the Police about any order or direction issued against them. In this case, no such instruction from the Additional Public Prosecutor of this Court. There was feud going between the petitioner and Balasubramaniam who are Trustees of Venkateswar. The respondent Police on the direction of the Magistrate only called the petitioner for enquiry. After coming to know about the detailed order of this Court, dated 15.02.2024, no action taken by the respondent Police.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that in this case though the order is dated 12.03.2024, the order made available only on 19.03.2024 and no action taken in violation of the order of this Court and no contempt made out. Hence, he prayed for purging.

5.In reply, the learned counsel for the petitioner submitted that under what authority even before registration of FIR, notice invoking Sections 160 and 91 Cr.P.C issued, is not known.

6.Considering the submissions and on perusal of materials and



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explanation given by the respondent Police, this Court finds that the respondent Police not arrayed as a party in the revision, hence, the Additional Public Prosecutor had no occasion to get notice of the proceedings. Though this Court passed the order on 12.03.2024, the same made ready on 19.04.2024 and thereafter despatched.

7.In view of the affidavit filed by the respondent Police that no action taken against the petitioner on coming to know about the order of this Court, dated 12.03.2024, no action is required against the respondent Police. Accordingly, this contempt petition is closed.

27.06.2024

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.



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- 1.The Sub-Inspector of Police,
Nallur Police Station,
Namakkal District.
- 2.The Public Prosecutor,
High Court, Madras.

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