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Cont.P.No.1659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cont.P.No.1659 of 2024

and

Sub Application (OS).No.514 of 2024

Hilda

.. Petitioner

Vs.

S.Saravanan,
The Inspector of Police,
J-3, Guindy Police Station,
Chennai – 600 032.

.. Respondent

Prayer: Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience to the order of this Court dated 01.02.2024 passed in W.P.No.1854 of 2024.

For petitioner : Mr.S.Udaya Kumar
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

This Contempt Petition was filed on the ground that the directions issued by this Court while disposing of W.P.No.1854 of 2024 by order dated 01.02.2024 was not complied with.



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2. When the matter was taken up for hearing on 14.06.2024, this

Court passed the following order:

“Mr.C.E.Pratap, learned Government Advocate takes notice on behalf of the respondent.

2.The complaint given by the petitioner has been closed by proceedings dated 11.04.2024 on the ground that the petitioner was not present at the time of enquiry in spite of repeated summons sent to the petitioner.

3.Considering the facts and circumstances of the case, the petitioner is directed to be present before the respondent on 19.06.2024 at 11.30 a.m. along with all the records. On such appearance, the respondent shall make the enquiry and shall take a decision in accordance with law.

4.Post this case under the caption 'For Reporting Compliance' on 28.06.2024 at 2.15 p.m.”

3.The matter was once again listed on 01.07.2024 and this Court passed the following order:

“When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) has produced the report of the Inspector of Police, J-3, Guindy Police Station, Chennai, dated 25.06.2024.



2.On going through the same, it is seen that the complaint given by the petitioner has been closed and the parties have been directed to approach the Civil Court.

3.The learned counsel for the petitioner raised strong objections on the report that was submitted before the Court in spite of sufficient materials being placed before the Police in this regard.

4.The petitioner is permitted to file the objections in this case and the same will be considered and final orders will be passed.

5.Post the case on 26.07.2024 at 02.15 PM.”

4.Pursuant to the above order, the petitioner has filed detailed objections along with all the relevant documents.

5.The respondent has also filed an affidavit explaining the manner in which the enquiry was conducted, statements were recorded and the final conclusion was arrived.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.



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7. In the considered view of this Court, the scope of the writ petition was only to direct the police to consider the complaint given by the petitioner who was seeking for police protection. The police after enquiry have come to a conclusion that the dispute is purely civil in nature and there is no scope to take any further action. The legality or otherwise of this decision taken by the police cannot become a subject matter in the contempt petition.

8. In view of the above, all the materials that have been placed before this Court by the petitioner cannot be gone into and a roving enquiry cannot be done considering the limited jurisdiction that is exercised in the contempt petition.

9. The petitioner cannot be left high and dry and therefore, this Court is granting liberty to the petitioner to workout her remedy under Section 173(4) of BNSS, 2023, or in the alternative, workout the remedy under Section 223 of BNSS, 2023.



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10.In the result, this Contempt Petition is closed and accordingly,
the Sub Application also stands closed.

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Index : Yes / No
Internet : Yes / No
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N.ANAND VENKATESH, J.

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