



WEB COPY



Cont.P.No.1965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2024

CORAM:

THE HON'BLE MR.JUSTICE P.DHANABAL

CONT.P.No.1965 of 2024

Muthu Williams

... Petitioner

Vs.

1. Mr.Sandeep Rai Rathore,
The Commissioner of Police,
Central Crime Branch,
Chennai-600 007.

2. Mrs.Sumathi,
The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III,
Vepery, Chennai-600 007.

3. P.Asirpandian

4. Vincent George

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for willful disobedience of the order dated 18.04.2023 passed by this Court in Crl.O.P.No.1889 of 2022.



WEB COPY



Cont.P.No.1965 of 2024

For Petitioner : Mr.G.Ilamurugu

For Respondents 1 & 2 : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

This petition has been filed to punish the respondents for willful disobedience of the order passed by this Court dated 18.04.2023 in CrI.O.P.No.1889 of 2022, wherein this Court directed the respondents to conduct preliminary enquiry on the allegations made in the complaint filed under section 156(3) of Cr.P.C. giving opportunity to both third respondent and the petitioners to produce relevant documents in support of their case. On the basis of the evidence produced by them, it is open to second respondent either to register the first information report against petitioners, if the commission of cognizable offence is made out or close the complaint in the manner known to law. In either case, parties must be intimated about the result of the enquiry. This exercise is to be completed within a period of four weeks from the date of receipt of a copy of this order.



Cont.P.No.1965 of 2024

2. The learned Counsel for the petitioner would contend that in pursuant to the direction of this Court in CrI.O.P.No.1889 of 2022 by an order dated 18.04.2023, this petitioner appeared before the respondent police on three occasion i.e., on 17.05.2023, 18.05.2023 and 19.05.2023 and also he submitted all the relevant documents to the Sub Inspector of Police and also appeared before the Deputy Commissioner of Police on 18.05.2023. That apart, he sent all the relevant documents by post to the respondents as well as to the Director General of Police since the inquiry had conducted by Sub Inspector of Police in a biased manner. Again on 26.05.2023 another Sub Inspector of Police namely Ms.A.Keerthana issued summons to appear for enquiry and thereby the petitioner appeared through his counsel along with relevant documents. The Ms.A.Keerthana, The Sub Inspector of Police had informed that the inquiry is going to transfer to some other officer and directed the petitioner and other parties to appear on receipt of further summons. But on contra, without issuing any notice, the respondents using their official position closed the complaint on 07.06.2023 as the complaint is civil in nature. Therefore, there is a willful disobedience by the respondents by disobeying the order of this Court and they are liable to be punished in accordance with law.



Cont.P.No.1965 of 2024

3. The learned Counsel appearing for the 1st and 2nd Respondents would submit that the respondents have conducted enquiry as per the direction of this Court and on enquiry, they came to know that as per the order of this Court, the petitioner Muthu Williams and the 3rd and 4th respondents namely Asir Pandian and Vincent George were enquired on various dates, both the parties had appeared before the enquiry officer and recorded their statements which reveals that the Asir Pandian and Vincent George have settled the amounts on various dates in favour of YMCA during the years viz., 2009 to 2010, 2016 to 2017, 2017 to 2018, 2018 to 2019 and 2019 and 2020. The said Asirpandian was enquired on 16.05.2023 based on the statement of witnesses, the petition was closed on 07.06.2023. After that they served the said closure report to the petitioner in person on 03.07.2023 and also submitted the closure report before the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai on the same day. On 28.07.2023, the petitioner Muthu William's Advocate Mr.G.Ilamurugu send two petitions through post, regarding the notice sent for Muthu Williams on 31.08.2023 to appear before the enquiry officer and also a notice sent to his advocate G.Ilamurugu on 21.09.2023 & 25.09.2023. After the enquiry, the petition was closed on 30.09.2023, due to sufficient documents were not produced at the time of enquiry. The petitioner also



Cont.P.No.1965 of 2024

preferred appeal before the Apex Court in SLP.Crl.No.12543 of 2023 challenging the order passed by this Court in Crl.O.P.No.1889 of 2022 and the same was dismissed by the Hon'ble Apex Court. The respondents have not disobied the order of this Court and they acted as per the order of this Court and there is no willful disobedience by the respondents. Therefore, the present contempt petition is liable to be dismissed.

4. Heard, both sides and perused the records.

5. This Court in Crl.O.P.No.1889 of 2022 passed an order dated 18.04.2023 and thereby directed the 2nd respondent to conduct preliminary enquiry on the allegations made in the complaint filed under section 156(3) Cr.P.C. giving opportunity to both third respondent and the petitioners to produce relevant documents in support of their case. On the basis of the evidence produced by them, it is open to second respondent either to register the first information report against petitioners, if the commission of cognizable offence is made out or close the complaint in the manner known to law. In either case, parties must be intimated about the result of the enquiry. This exercise is to be completed within a period of



Cont.P.No.1965 of 2024

four weeks from the date of receipt of a copy of this order. Thereafter, the respondent have conducted enquiry and they closed the case as civil in nature and the same was also informed to the petitioner. According to the petitioner, they have not conducted proper enquiry and closed the complaint and they filed closure report. The respondents have properly conducted the enquiry on various occasion and they issued summons to the parties and the respondents have filed their closure report and the same was also served to the petitioner in person on 03.07.2023. Therefore, there is no willful disobedience by the respondents in the order passed by this Court. If any discrepancies in the closure report, the petitioner can very well challenge the said closure report in the manner known to law.

6. In view of the above submission, no contempt is made out as against the respondents. Accordingly, this contempt petition is dismissed. No costs. However, the petitioner at liberty to challenge the closure report in the manner known to law, if so advised.

30.09.2024

gvn



Cont.P.No.1965 of 2024

WEB COPY

To
1. Mr.Sandeep Rai Rathore,
The Commissioner of Police,
Central Crime Branch,
Chennai-600 007.

2. Mrs.Sumathi,
The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III, Vepery, Chennai-600 007.



WEB COPY



Cont.P.No.1965 of 2024

P.DHANABAL, J.

gvn

Cont.P.No.1965 of 2024

30.09.2024