



Cont.P.No.2104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

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Sub Application (OS).No.664 of 2021

Sri Seshadri Swamigal Trust,
Rep by its Secretary,
A.Balamurugan,
Chengam Road,
Thiruvannamalai – 606 603.

... Petitioner

Vs.

M.Dhanalaskhmi,
Inspector of Police,
CBCID-North Police Station,
Thiruvannamalai.

... Respondent

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for wilfully and wantonly disobeyed the order of this Court dated 09.09.2022 in Crl.O.P.Nos.8272 and 13358 of 2020.

For Petitioner : Mr.G.Prabhakaran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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This Contempt Petition has been filed to punish the respondent for non compliance of the order dated 09.09.2022 passed by this Court in Crl.O.P.Nos.8272 & 13358 of 2020, thereby directing the respondent to complete the investigation and file final report in Crime No.1 of 2019.

2. It is seen that this Court by an order dated 09.09.2022, issued the following directions in Crl.O.P.Nos.8272 & 13358 of 2020 :-

“(i) the Administrator is hereby relieved and directed to hand over the administration of the Trust viz., Sri Seshadri Swamigal Trust, viz., to other remaining trustees, except the family members of the deceased accused viz., Muthukumarasamy, including the petitioner in Crl.M.P.No.12547 of 2022, within a period of eight weeks from the date of receipt of a copy of this Order. It is made clear that the Administrator is permitted to deduct his monthly remuneration as on date on which, he hands over the administration of the trust, from the account of Sri Seshadri Swamigal Trust and also the expenses such as travelling, boarding, lodging and other expenses, if any.



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(ii) *The trustees, who are taken over the administration of the Trust viz., Sri Seshadri Swamigal Trust, are directed to assess the income of the trust and file the income tax returns regularly.*

(iii) *The trustees are also directed to submit income tax returns of the trust along with auditor report and monthly bank accounts statment of the trust before the District Collector, Thiruvannamalai, periodically failing which, the District Collector, Thiruvannamalai, is directed to take appropirate action as against the trustees.*

(iv) *The first respondent is directed to complete the investigation and file final report in Crime No.1 of 2019, within a period of twelve weeks from the date of receipt of a copy of this order.*

(v) *While administering the trust, any illegality found in the administration of the trust, the first respondent is at liberty to take appropriate action as against the trustees, who committed the offence in accordance with law."*

Accordingly, the administrator relieved and the petitioner other trustee had taken administration of the Sri Sehadri Swamigal Trust.



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3. Further as directed by this Court, the first respondent has completed the investigation in Crime No.1 of 2019 and filed final report on 22.08.2024 before the learned Judicial Magistrate No.1, Thiruvannamalai, as against 19 accused persons, in which the petitioner is arrayed as A2. In pursuant to the investigation, the accounts of the petitioner's trust was freezed on 07.05.2024 and 08.05.2024 and the same was also informed to the concerned Judicial Magistrate, on 09.05.2024.

4. The learned counsel appearing for the petitioner submitted that while the petitioner and other trustees are taking administration of the trust, the Administrator, who was appointed by this Court, directed the respondent to freeze the accounts by making certain allegations. That apart, already even in the year 2022 itself, the respondent submitted before this Court that the investigation in Crime No.1 of 2019 was almost completed and about to file final report. Therefore, the directions issued by this Court are not complied with in the light of spirit by the respondent.



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5. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that all the directions issued by this Court are duly complied with by the respondent and no contempt is made out as against the respondent.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. As per the report submitted by the District Collector of Thiruvannamalai District, the third directions issued by this Court, viz., directing the trustees to submit income tax returns of the trust periodically and submit report before the District Collector, Thiruvannamalai, District, has not been complied with by the petitioner. That apart, the petitioner himself now arrayed as accused and he is facing prosecution. As directed by this Court, if any illegality found in the trust, the respondent is at liberty take appropriate action against the trustee, who involved in the illegality. Accordingly, during the investigation the respondent found that certain illegality committed by the petitioner as such he is also now arrayed as



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accused and the accounts of the trust was also freezed on 07.05.2024 to 08.05.2024. It was also duly informed to the learned Judicial Magistrate, Thiruvannamalai.

8. This Court finds no disobedience of the order passed by this Court by the respondent and as such, no contempt is made out as against the respondent. It is always open to the petitioner to challenge the order of frozen of accounts in the manner know to law. Accordingly, the Contempt Petition stands dismissed. Consequently, connected sub application is also closed.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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The Inspector of Police,
CBCID-North Police Station,
Thiruvannamalai.



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G.K.ILANTHIRAIYAN, J.

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