



WEB COPY

Cont.P.No.2919 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cont. P. No.2919 of 2024

N.Devaraj

... Petitioner

v.

R.Lakshimipathi
The Inspector of Police,
Nemmeli Police Station,
Nemmeli,
Ranipet District.

... Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent for contempt of Court for misrepresenting this Court in the case filed under CrI.O.P.No.10093 of 2022 ordered on 29.04.2022.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.V.Meganathan,
Government Advocate (crl.side)

ORDER



The contempt petition has been filed seeking to punish the respondent for contempt of Court for misrepresenting this Court in the case filed in CrI.O.P.No.10093 of 2022 dated 29.04.2022.

2. The case of the petitioner is that there was a land dispute existing between the petitioner and one Shanmugam. The said property dispute was adjudicated and concluded by this Court in S.A.No.640 of 2020 by an order dated 09.12.2023. Subsequently, a writ petition has been filed by the said Shanmugam in W.P.No.19381 of 2021 seeking the fixation of boundaries concerning the disputed land with the help of a Land Surveyor and Tahsildar. In the said writ petition, Shanmugam had suppressed the fact about the existence of the second appeal and obtained an order to measure the land with the help of Surveyor and Thasildar on 15.01.2022. On the same day, the said Shanmugam along with Buvaneshwaran and Prakash had unlawfully entered into the disputed property and constructed a small hut using sheets. The petitioner had questioned the persons and during that time, the said Shanmugam attacked the petitioner with a wooden stick resulting in multiple injuries being inflicted upon the petitioner. The petitioner was promptly taken to the private Hospital where first aid was provided and subsequently, the petitioner returned home. The petitioner had suffered from severe pain in his head for two days, leading to admission in



Government Hospital from 17.01.2021 to 19.01.2021.

WEB COPY 3. It is the further case of the petitioner that at the time of admission in the Government Hospital, the officials informed the respondent police, however, the respondent police neither come to the Hospital nor taken any statement from the petitioner. Despite the petitioner having given a complaint on 23.01.2022, the respondent police did not register a case. Thereafter, a representation was sent to the higher officials and even thereafter no action was taken. Therefore, the petitioner had filed the criminal original petition in CrI.O.P.No.10093 of 2022 seeking a direction to register a case. During the hearing of the criminal original petition, the respondent had submitted that a case in Crime No.124 of 2022 has been registered based on a complaint given by the petitioner's wife namely Deivanai and thereby, the criminal original petition was disposed of. It is the grievance of the petitioner that false information has been provided by the respondent, indicating that a case has been registered based on the petitioner's complaint and thereby, the present petition has been filed seeking the punishment of the respondents for contempt

4. The learned counsel for the petitioner would submit that the respondent had given wrong instructions to the Court as if based on the complaint given by the petitioner, a case in Crime No.124 of 2022 was registered. However, it is



asserted that the case in Crime No.124 of 2022 was registered actually based on the complaint given by the wife of the petitioner namely Deivanai and not on the complaint given by the petitioner. Thereby, he prays to take action against the respondents.

5. Per contra, the learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner and the said Shanmugam are neighbours. There is a longstanding civil dispute pending between the parties. The petitioner had given a complaint to the Deputy Superintendent of Police on 23.01.2022. In that complaint, the petitioner has not stated when the occurrence had happened and had only mentioned that on 17.01.2022, he had gone to Arokonam Government Hospital for treatment. However, based on the complaint of the petitioner, an enquiry was conducted by the respondent police. During the enquiry, records from the Government Hospital including the case sheet and the accident register were received which discloses that the petitioner had informed the Doctor that his injuries were due to an accidental fall. The petitioner was summoned for enquiry and he appeared in person where he informed that he would take appropriate steps before the Civil Court. Thereby, further action was dropped. He would further submit that however, the petitioner's wife Deivanai had also given a complaint against the neighbour Shanmugam and based on that complaint, a case in Crime No.124 of 2022 was



registered against the said Shanmugam. Thereafter, enquiry had been conducted and final report has been filed before the learned Judicial Magistrate, Arokonam in C.C.No.353 of 2024. Subsequently, the said Shanmugam has passed away resulting in the abatement of charges against him. Now, the petitioner wants to take action against the son of the deceased Shanmugam, who is currently working in abroad. Thereby, the present contempt petition has been filed. He would further contend that even in the affidavit submitted before this Court, the petitioner has made an allegation only against the Shanmugam and not against the son of Shanmugam. He would submit that since different complaints were lodged by both the petitioner and his wife, the respondent conducted a proper enquiry and have filed a final report against the Shanmugam, who is now no more. He would submit that the respondent did not mislead the Court.

6. Heard both sides. Perused the material available on record.

7. Having considered the record, this Court is of the view that the petitioner has attempted to circumvent the process of this Court and has attempted to settle the civil dispute by way of criminal and contempt actions. Therefore, this Court finds that no contempt has been committed by the respondent. Accordingly, this contempt petition stands closed. No costs.



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Index: Yes/No

Internet: Yes/No

Speaking order / Non speaking order
shk

To
R.Lakshimipathi
The Inspector of Police,
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A.D.JAGADISH CHANDIRA,J.
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