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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.2412 of 2023
in W.P.No.8487 of 2022

Nithya

.. Petitioner

vs.

1.J.S.Nisha, I.P.S
Superintendent of Police
Mayiladuthurai District
Mayiladuthurai.

2.Mrs.Amudharani
The Inspector of Police
Kuthalam Police Station
Kuthalam, Mayiladuthurai District.

3.Prakash

4.Mallika

5.Suresh Babu

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their willful disobedience in not complying with the order dated 5.7.2023 passed by this Court in W.P.No.8487 of 2022.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.S.Balaji
Government Advocate (Crl.Side)
for R1

M/s.P.Muthamizh
A.Easkipandy

for R3, R4 & R5

**ORDER**

When the matter came up for hearing on 29.4.2024, this Court passed the following order:

This contempt petition was filed for punishing the respondents for non-compliance of the order passed by this Court in WP.No.8487 of 2022, dated 5.7.2023.

2.The petitioner filed a writ petition in W.P.No.8487 of 2022, against the respondents and particularly for a direction to the 1st and 2nd respondents to provide police protection to the petitioner to get back her jewels and sridhana articles from the custody of respondents 3 to 5 as per the order made in DVC No.39 of 2019 by the learned Judicial Magistrate, Ambattur.

3.This Court after hearing all the parties passed the following order:

4. In the light of the specific stand taken by the respondent 3 to 5, there shall be a direction to the petitioner to go to the matrimonial home on 10.07.2023 at 11.30 a.m. All the articles belonging to the petitioner shall be handed over as directed by the learned Judicial Magistrate, Ambatur by an order dated 04.06.2021 made in D.V.C.No.39 fo 2019. The parties shall prepare inventory of the articles that are handed over to the petitioner pursuant to the orders passed by the Court below. It is made clear that the respondents 3 to 5 shall stick to the undertaking given before this Court and they shall not cause any law and order problem.

4.Pursuant to the above order, the petitioner was attempting

<https://www.mhc.tn.gov.in/jud> to get back the articles and more particularly the jewels belonging to



the petitioner. The petitioner was not able to get back those articles and it was alleged that police protection was also not granted. It is under these circumstances, the contempt petition was filed before this Court.

5. When the matter came up for hearing on 29.1.2024 and this Court passed the following order:

Pursuant to the earlier order passed by this Court on 12.01.2024, an affidavit has been filed by third respondent for himself and on behalf of respondents 4 and 5.

2. This Court is not convinced with the affidavit filed. This affidavit goes against the undertaking that was given before this Court. The list of articles that has to be returned back to the petitioner is specifically stated at paragraph No.7 of the order passed by learned Judicial Magistrate, Ambattur, in DVC No.39 of 2019. These articles were undertaken to be returned back to the petitioner. Presently, respondents 3 to 5 are trying to take a different stand. This Court is not convinced with the attitude of respondents 3 to 5. This Court is inclined to give one last chance to the respondents 3 to 5 to comply with the undertaking given before this Court in line with paragraph No.7 of the order passed by the learned Judicial Magistrate, Ambattur. It is made clear that if the respondents 3 to 5 do not comply with the undertaking, this Court will be left with no other option except to pass final orders in this contempt petition. Respondents 3 to 5 shall be present even during the next date of hearing.

Post this contempt petition under the caption 'for passing final orders' on 12.02.2024.



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6. Pursuant to the above order, the matter was again posted for hearing on 12.2.2024 and this Court passed the following order:

When the matter was taken up for hearing today only Prakash (R3) was present before this Court. The same story that was recited during the previous occasion was once again reiterated. This Court already made it clear when the previous order was passed on 29.01.2024 that the respondents 3 to 5 are bound to comply with the undertaking given before this Court.

2. As a last chance, post this case under the same caption 'for passing final orders' on 16.02.2024 at 2.15 p.m.

7. The case was listed on 12.4.2024 and this Court passed the following order:

When the matter was taken up for hearing, there is no representation on the side of respondents 3 to 5. This Court had already made it clear in the earlier order passed on 29.01.2024 that the respondents 3 to 5 will have to comply with the undertaking that was given before the learned Judicial Magistrate, Ambattur, in DVC No.39 of 2019.

2. Issue Bailable Warrant against respondents 3 to 5 and the same shall be executed by the second respondent and they shall be produced before this Court during the next date of hearing.

Post this case on 22.04.2024 at 02.15 p.m.

8. The matter was once again listed for hearing on 22.4.2024 and this Court passed the following order:

Pursuant to the earlier order passed by this Court on 12.04.2024, Mr.A.JothiRaman, Inspector of Police, Kuthalam Police Station, Mayiladuthurai District, was present before this Court today.



2.The learned Government Advocate (Crl.Side) submitted that the Police Officer has executed theailable warrant and to substantiate the same, the relevant materials have been placed before this Court.

3.The learned counsel for the respondents 3 to 5 submitted that the respondents 4 & 5 are not able to be present before this Court today and the 3 rd respondent alone was present at the time of hearing.

4.The respondents 3 to 5 shall be present before this Court on 29.04.2024 at 02.15 P.M. Final orders will be passed in the contempt petition on that date.

9.When the matter was taken up for hearing today, the learned counsel for the respondents 3 to 5 submitted that all the three respondents are present.

10.Heard Mr.S.Manikandan, learned counsel for the petitioner, Mr.S.Balaji, learned Government Advocate (Crl.Side) for R1 and Mr.P.Muthamizh, learned counsel for R3, R4 & R5

11.As observed in the earlier order passed on 29.1.2024, the list of articles that has to be returned back to the petitioner is specifically stated at paragraph 7 of the order passed by the learned Judicial Magistrate, Ambattur in DVC No.39 of 2019. These articles were undertaken to be returned back to the petitioner. This Court had given repeated opportunities for respondents 3 to 5 to comply with the undertaking given before this Court in line with paragraph 7 of the order passed by the learned Judicial Magistrate, Ambattur. The respondents 3 to 5 seemto be dragging on the proceedings by taking a contradictory stand as if the jewels have already been returned and nothing remains to be returned.



12.This Court finds that respondents 3 to 5 have violated the undertaking given before this Court and it amounts to contumacious conduct on their part. Hence, this Court is left with no other option except to punish respondents 3 to 5 under Section 12 of the Contempt of Courts Act, 1971.

13.In the result, respondents 3 to 5 are punished with simple imprisonment for a period of one week and shall pay a fine of Rs.1500/- each.

14.The above sentence imposed by this Court is kept in abeyance till 3.6.2024. If in the meantime, respondents 3 to 5 comply with the orders passed by this Court, this Court will consider recalling the sentence imposed, failing which, respondents 3 to 5 will have to undergo the sentence imposed.

15.Post this contempt petition under the caption 'for passing further orders' on 3.6.2024 at 2.15 pm.

2.When the matter was taken up for hearing today, it was brought to the notice of this Court that respondents 3 to 5 did not comply with the order passed by this Court in the writ petition.

3.It was made abundantly clear even in the earlier order that the sentence imposed by this Court is kept in abeyance till today in order to enable respondents 3 to 5 to comply with the orders and to report before this Court. In spite of giving such a long rope, respondents 3 to 5 have not chosen to comply with the order. In view of the



same, this Court is left with no other option except to implement the sentence imposed on 29.4.2024.

4.Mr.S.Balaji, learned Government Advocate (Crl.side) was present before this Court. Mr.A.Jothi Raman, Inspector of Police, Kuthalam Police Station, Mayiladuthurai District, was also present along with the learned Government Advocate (Crl.side). The learned Government Advocate (Crl.side) shall ensure that the sentence imposed by this Court against the contemnors/respondents 3 to 5 is implemented and the fine amount shall also be recovered from respondents 3 to 5.

5.In the result, this contempt petition is disposed of with the above directions.

03.06.2024

Internet:Yes

Index: Yes/No

Speaking Order/Non-Speaking Order

KP

Note: Issue order copy on **03.06.2024**



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N. ANAND VENKATESH, J.

KP

To

- 1.J.S.Nisha, I.P.S
Superintendent of Police
Mayiladuthurai District
Mayiladuthurai.
- 2.Mrs.Amudharani
The Inspector of Police
Kuthalam Police Station
Kuthalam
Mayiladuthurai District.
- 3.The Superintendent
Trichy Central Prison
Trichy-20.
- 4.The Superintendent
Special Prison for Woman
Gandhi Market, Trichy-8.
- 5.The Public Prosecutor
High Court, Madras.

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