



WEB COPY



Cont.P(MD)No.377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cont.P(MD)No.377 of 2024

Vinothini : Petitioner/Petitioner

Vs.

1.Mr.Dongare Pravin Umesh
The Superintendent of Police,
Theni District, Theni.

2.Mr.Pitchai Pandi,
Inspector of Police,
Kumuli Police Station,
Theni District.

: Respondents/Respondents

PRAYER:- Contempt Petition is filed under section 11 of the Contempt of Court Act, 1971, to punish the respondents herein for wilful disobeying the order, dated 06/12/2023 in WP(MD)No.27211 of 2023 and pass such further or other orders.

For Petitioner : Mr.D.Selvam
for Mr.M.Maharaja

For respondents : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

O R D E R

This contempt petition has been filed seeking to punish the respondents herein for wilful disobeying the order, dated 06/12/2023 passed in WP(MD)No.27211 of 2023.



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2. The facts in brief:-

Death occurred, on 28/10/2023 in the Reserved Forest Area in Cudaloor Rang. A case was registered by the Station House Officer attached to Kumuli Police Station, Theni District, in Crime No.89 of 2023, on 29/10/2023 for the offences under sections 294(b), 353, 307 of IPC and 25(1A) of Indian Arms Act r/w 176(1A)(1) of Cr.P.C @ 302 and 201 IPC. The deceased was one Eshwaran. Suspecting the involvement of the Forest Officers in the killing, WP(MD)No.27211 of 2023 was filed by the daughter of the deceased Eshwaran seeking direction. During the course of hearing, it was brought to notice of this court the involvement of the Forest Officers in the killing *prima facie* found out. So, the Government submitted that proper investigation is undertaken and the accused will be brought to book. The writ petition was disposed of directing the 2nd respondent namely the Inspector of Police, Kumuli Police Station to follow the guidelines of the Hon'ble Supreme Court in ***People's Union for Civil Liberties***'s case under the direct supervision of the Superintendent of Police, Theni District. That order was passed, on 06/12/2023.

3. Now this contempt petition has been filed by the petitioner stating that the order is not complied.



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4.The respondents are also present before this court. The learned Government Advocate (Criminal Side), by producing the entire case diary, would submit that final report is filed before the Judicial Magistrate, Uthamapalaym by deleting certain officials and including certain officials. Now the process is underway.

5.But the learned counsel appearing for the petitioner would submit that the involvement of several persons was suspected, but the first respondent has not investigated the matter properly against all the suspected persons. Now, final report has been filed deleting several persons, which according to him, it is a clear violation of the order passed by this court.

6.But no positive direction can be issued by this court to the Investigating Officer to include or delete certain persons. It is exclusive within the jurisdiction of the Investigating officer.

7.Now the investigating Officer says that the persons deleted from the final report are not involved. So, this court cannot go into that aspect. If the petitioner is aggrieved over the same, she can approach the jurisdictional Magistrate court by filing appropriate



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petition. Since the order has been complied, I find that
no contempt will lie.

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8.In the result, this contempt petition stands
closed giving liberty to the petitioner to work out her
remedy, if so aggrieved, over the contents of the final
report in the manner known to law. No costs.

22/03/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Inspector of Police,
Kumuli Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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