



Cont.P(MD)No.386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 26/03/2024

Date of Pronounced : 04/04/2024

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

Cont.P(MD)No.386 of 2024

S.Thambu : Petitioner/Petitioner

Vs.

1.Shri.T.P.Suresh Kumar,
The Superintendent of Police,
Tenkasi District at Tenkasi.

2.Sri Nagasankar,
The Deputy Superintendent of Police,
Tenksi, Tenkasi District.

3.Shri.Rajesh Kanna,
The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.

(Cr.No.248 of 2023) : Respondents/Contentmnors

PRAYER:- Contempt Petition is filed under section 11 of the Contempt of Court Act, 1971, to punish the respondents herein for their deliberate and willful disobedience of the Court Order, dated 20/11/2023 in Cr1.OP(MD)No.20827 of 2023.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



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O R D E R

WEB COPY This contempt petition is filed to punish the respondents herein for their deliberate and willful disobedience of the court order, dated 20/11/2023 made in Cr1.OP(MD)No.20827 of 2023.

2.The facts in brief:-

A case in Crime No.248 of 2023 was registered for the offences under section 294(b) IPC and Section 3(1)(r), 3(1)(x) and 3(2)(va) of SC/ST Act on the basis of the complaint given by this petitioner stating that he is working as conductor in TNSTC Corporation and also a member of a Labour Union called “தொ.மு.சா”. He was working as President for sometime and later became Secretary for one and half years, he was working as 'Time Keeper' in Tenkasi Bus-Stand. He approached the Secretary Satanathan for the very same position 'Time Keeper' on 12/09/2013 at about 12.00 noon. He abused in filthy language, insulted him by calling his caste name. He directed other officials to post in some other place.

3.Investigation is undertaken. During the course of investigation, the petitioner filed Cr1.OP(MD)No.20827 of 2023 seeking transfer of the investigation. The matter was heard on 20/11/2023. At that time, the learned



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counsel appearing for the petitioner would submit before this court that the Investigating Officer openly telling that he is closing the FIR.

4.Per contra, the learned Additional Public Prosecutor has submitted that there is no proposal to close the FIR. He further submitted that as on date, 11 witnesses have been examined. Investigation will be completed within a period of three months.

5.Recording the submission of the learned Additional Public Prosecutor, CrI.OP(MD)No.20827 of 2023 was closed, by order, dated 20/11/2023. Subsequent to that, this petition is filed stating that the order is not complied by the Investigating Officer and there is a clear violation of the order against undertaking given by him before this court.

6.Notice was ordered to the 3rd respondent. He is also present before this court along with the entire CD file. He was also heard.

7.The main grievance of the petitioner is that as mentioned above, in spite of the undertaking given by the Investigating Officer, final report has been filed



closing the FIR by violating the order of this court. The
3rd respondent has filed a detailed dates and events.

8.A report is called from the trial court namely the II Additional District Judge (PCR/FAC), Tirunelveli as to the stage of the final report. Report was submitted stating that final report was filed on 23/11/2023 closing the case as 'Mistake of Facts'. Notice was ordered to the complainant namely the de-facto complainant herein and posted to 15/04/2024 for hearing his objection.

9.Now the learned counsel appearing for the petitioner would submit that by exercising the power under section 482 Cr.P.C, this court must direct the respondents to conduct further investigation.

10.Now, we will see what is the investigation that was made subsequent to 20/12/2023. For that purpose, CD file is called for. This shows that on 20/11/2023 itself major part of the investigation was over and final report was prepared on 23/11/2023 closing the case stating that the complaint is a false one stating that it was given with motive over the allotment of duties. But on what ground, an undertaking was given before this court that there is no proposal to close the case is not clear on



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record. It is seriously taken note of by the petitioner.

It is a clear case of violation of undertaking given. But I am not entering into that aspect now since final report was filed, notice was served. So the petitioner can very well agitate the grievance before the concerned trial court itself.

11.When notice has been issued to the petitioner to make his objection, it may not be proper on the part of this court to order re-investigation or further investigation as the case may be.

12.In the result, this contempt petition stands **closed** with liberty to the petitioner to challenge the final report before the trial court since notice has been issued inviting objection from the petitioner and posted to 15/04/2024 and that notice was also received by the petitioner herein. No costs.

04/04/2024

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

- 1.The Superintendent of Police,
Tenkasi District at Tenkasi.
- 2.The Deputy Superintendent of Police,
Tenksi, Tenkasi District.
- 3.The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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