



Cont.P(MD). No.1313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 06.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Cont. P(MD). No.1313 of 2024

in

CrI.O.P(MD)No.23099 of 2023

A.Subramanian

... Petitioner/Petitioner

Vs

1.Vaithiyanathan

The Inspector of Police
Kundrakudi Police Station,
Sivagangai District.

2.Premkumar

The Sub Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

... Contemnors 1&2/
Respondents 2&3

RAYER:This Contempt Petition is filed under under Section 11 of the Contempt of Courts Act, 1971, praying to call the contemnors for having wilfully and wantonly disobeyed the order passed by this Court in CrI.O.P(MD)No.23099 of 2023 dated 21.12.2023 and punish the contemnor in accordance with law.



Cont.P(MD). No.1313 of 2024

For Appellant : Mr.P.Aju Tagore
For Respondent : Mr.B.Thanga Aravinth
Government Advocate(Crl.side)

ORDER

Alleging disobedience of the order of this Court in Crl.O.P(MD)No.23099 of 2023 dated 21.12.2023, the present contempt petition is filed.

2.The case of the petitioner is that the petitioner herein filed a criminal original petition in Crl.O.P(MD)No.23099 of 2023 seeking direction to the third respondent to comply the order of the learned Principal District Munsif-cum-Judicial Magistrate, Karaikudi, in Crl.M.P(MD)No.96 of 2018 dated 08.01.2018 and register the FIR in petitioner's complaint dated 27.12.2027.

3.When the mater was taken up for hearing on 21.12.2023, the learned Additional Public Prosecutor appearing for the respondent police has submitted that new officer has taken over the charge recently and he will trace out the file and proceed in accordance with law. Therefore, direction was issued to the respondent herein to complete the process of



Cont.P(MD). No.1313 of 2024

enquiry or the investigation as the case may be, within a period of 15 days from the date of receipt of a copy of this order.

4.Since the aforesaid order was not complied with by the contemnor in letter and spirit, this contempt petition is filed.

5.The respondent was served with notice through the learned Additional Public Prosecutor.

6.It was brought to the notice of this Court that the respondent police approached the District Munsif-cum-Judicial Magistrate Court, Karaikudi, for getting the order copy in CrI.M.P.No.96 of 2018, but that number does not match with the Court petition number. Further, direction was issued to the respondent police herein to approach once again the Court with correct particulars. It was also submitted that the respondent is now retired from service and therefore, further appearance of the respondent is dispensed with by order dated 26.07.2024. The new investigating officer be take up the issue and inform the Court about the development and posted the matter on 12.08.2024.



Cont.P(MD). No.1313 of 2024

7. When the matter was taken up for hearing on 12.08.2024, a report received from the District Munsif-cum-Judicial Magistrate, was placed on record. From the report, it is seen that the order in CrI.M.P.No. 96 of 2018 was passed on 08.01.2018 and the following observation is made by this Court:

“ 3. In the meantime, one Subbiah appears through his advocate and submitted the records pertaining to the above complaint. According to him, there was a dispute between two rival groups with regard to the administration of Arulmighu Sri Senkadu Urani Amman Temple and therefore, a case in Crime No.173 of 2017 was registered under Section 107 Cr.P.C. and the parties were referred to the Revenue Divisional Officer, Devakottai, for enquiry. So, the Revenue Divisional Officer has conducted an enquiry, wherein, both the parties have appeared. The Revenue Divisional Officer has directed both the parties to execute a bond for Rs. 25,000/- each to maintain peace for 12 months. It is also noted that in respect of the administration of the Temple, a suit is also pending before the District Munsif Court, Thirupathur in O.S.No.8 of 2018 between the parties, wherein, the plaintiff is the complainant, namely, Subramanian and the counter petitioner in the main complaint is the defendant. Now, the suit in O.S.No.8 of 2018 is stated to be pending. According to him, suppressing



WEB COPY



Cont.P(MD). No.1313 of 2024

all those things, the complainant has filed this complaint before the Sub Inspector of Police on 27.12.2017. Later, he filed a petition before the Principal District Munsif cum Judicial Magistrate in CrI.M.P.No.96 of 2018 seeking a direction. So, according to him, in view of the suppression of fact by the petitioner herein, enquiry need not be conducted by the Police in this regard.

4. But, from the perusal of records and report from the concerned court, it reveals that the Principal District Munsif cum Judicial Magistrate, Karaikudi, directed the Sub Inspector of Police, Kundrakudi Police Station, to investigate the matter. Unless the order is set aside or complied with, this contempt petition cannot be closed.

5. But, in view of the said development, both the parties shall appear before the respondent Police and give statements, preferably on or before 27.08.2024. On recording the statement of both parties, the respondent may close the complaint directing the parties to workout their remedy in the pending suit.

6. The respondent shall inform about the development to the Court on 02.09.2024.

7. Post the matter on 02.09.2024.”



Cont.P(MD). No.1313 of 2024

8. When the matter came up for hearing on 02.09.2024, the counsel for the petitioner submitted that the Revenue Divisional Officer, Devakottai, initiated the proceedings under Section 107 of Cr.P.C., and both the rival groups appeared before him and executed a bond for a sum of Rs.25,000/- and so the further proceedings ordered to be dropped. The aforesaid order was passed on 11.11.2019. It appears that the matter was taken cognizance by RDO, Devakottai. Now, a civil suit is also pending on the issue of Administration of the Temple before the District Munsif Court, Thirupathur. Therefore, the parties must resolve the issue in the pending suit. By suppressing all these facts, the petitioner approached the District Munsif-cum-Judicial Magistrate, by filing the aforesaid petition.

9. In view of the above, I find nothing survives for further consideration in this contempt petition. Hence, the contempt petition stands closed.

06.09.2024

Index: Yes/No
Internet: Yes/No
Ns



Cont.P(MD). No.1313 of 2024

To:

1. Vaithiyanathan
The Inspector of Police
Kundrakudi Police Station,
Sivagangai District.
2. Premkumar
The Sub Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
3. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cont.P(MD). No.1313 of 2024

**G.ILANGOAN,J
Ns**

**ORDER IN
Cont. P(MD). No.1313 of 2024
in
Crl.O.P(MD)No.23099 of 2023**

Date : 06.09.2024