



Cont.P.(MD)No.2546 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.02.2024

Pronounced on : 28.03.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Cont.P.(MD)No.2546 of 2023

in

CrI.O.P.(MD)No.3041 of 2023

R.Premkumar

... Petitioner

Vs.

1. J.Chanthiselvi,
Then Inspector of Police,
Anti-Land Grabbing Special Cell,
Tenkasi District.

2. Srinivasan
The Deputy Superintendent of Police, DCB
Incharge DSP at Anti-Land Grabbing Special Cell,
Tenkasi District.

... Contemnors

Prayer : This Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for the acts of Contempt of Court for the disobedience of the order passed in CrI.O.P.(MD)No.3041 of 2023 dated 16.02.2023, on the file of this Court.



Cont.P.(MD)No.2546 of 2023

WEB COPY

For Petitioner : M/s.P.Jessi Jeeva Priya

For Contemnors : Mr.SS.Madhavan
Government Advocate (Criminal Side)

ORDER

The petitioner has filed the above Contempt Petition invoking Section 11 of the Contempt of Court Act seeking orders to punish the contemnors for the acts of Contempt of Court for the disobedience of the order passed in Crl.O.P.(MD)No.3041 of 2023 dated 16.02.2023 on the file of this Court.

2. The petitioner is the 14th accused in the case in C.C.No.203 of 2023 on the file of the Court of the Judicial Magistrate, Shengottah in connection with Crime No.122 of 2021 on the file of Courtallam Police Station for the offences under Sections 120B, 419, 420, 423, 465, 467, 468, 471 and 477A IPC. The petitioner has earlier filed a petition in Crl.O.P.(MD)No.3041 of 2023 under Section 482 Cr.P.C. seeking orders to direct the Superintendent of Police, Tenkasi District to transfer the investigation of the case in Crime No.122 of 2021 on the file of Courtallam Police Station to any other officer not below the rank of



Cont.P.(MD)No.2546 of 2023

WEB COPY

Inspector of Police to conduct investigation in accordance with law and file final report. Considering the submissions made on either side, this Court has passed an order dated 16.02.2023 directing the Inspector of Police, Anti Land Grabbing Special Cell, Tenkasi District, to proceed with the investigation and the Deputy Superintendent of Police, Anti Land Grabbing Special Cell, Tenkasi District, was directed to monitor the investigation. The petitioner, by alleging that charge sheet has been filed on 02.05.2023 and the petitioner made an application under the Right To Information Act dated 19.09.2023 seeking information regarding the supervision by the Deputy Superintendent of Police, that the petitioner has received a reply dated 13.10.2023 from the Information Officer under the Right To Information Act and came to know that after the order passed in CrI.O.P.(MD)No.3041 of 2023, the Inspector of Police has proceeded with the investigation and filed the above charge sheet without monitoring by the Deputy Superintendent of Police and that the contemnors have willfully committed an act of Contempt of Court and hence, the petitioner with no other option has filed the above Contempt Petition.

3. The first contemnor has filed a counter affidavit stating that the petitioner was the Grade-II Police Constable and added as 14th accused in



Cont.P.(MD)No.2546 of 2023

the First Information Report in Crime No.122 of 2021 for the abetment of the offence of the fraudulent registration of the sale deed in Document No. 2371/2020 on 30.11.2020 before the Tenkasi Sub Registrar Joint-I, that as per the confession of the 11th accused, the petitioner was added as accused, that while he was working as Head Constable in Puliyangudi Police Station, conspired with the accused Nos.10 to 12 in the above First Information Report and committed the offence, that prior to the order of this Court, the said case was monitored by the second contemnor, that the second contemnor has issued a Memo notice dated 23.12.2022 directing the first contemnor to expedite the investigation and to file a charge sheet, that the second contemnor had again issued a Memo notice dated 20.02.2023 directing the first contemnor to expedite the investigation by issuing CDR request and to arrest the accused and file a charge sheet, that the second contemnor has also issued a Memo notice dated 16.03.2023 directing the first contemnor to expedite the investigation and to de-freeze the account of one Tamilarasi as per the order passed by this Court in W.P. (MD)No.5986 of 2023 dated 16.03.2023 and to file a charge sheet, that was followed by another Memo notice dated 16.03.2023 reiterating the same contentions, that thereafter the Superintendent of Police, Tenkasi



Cont.P.(MD)No.2546 of 2023

WEB COPY

District has issued a memorandum dated 10.04.2023 giving instructions to the first contemnor to comply the directions issued by this Court, that the first contemnor has conducted investigation under the monitoring of the second contemnor and arrested the accused and completed the investigation and enquired 31 witnesses under Section 161(3) Cr.P.C. and collected 164 documents and thereafter, the first contemnor has prepared a charge sheet and filed the same before the Judicial Magistrate and the same was taken on file in C.C.No.203 of 2023, that the first contemnor has obeyed the order of this Court in letter and spirit and conducted the investigation under the monitoring of the second contemnor and filed the charge sheet before the Judicial Magistrate, Shengottah and that the first contemnor has not violated the order of this Court as falsely projected by the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner has applied for some particulars under the Right To Information Act with regard to the case in Crime No.122 of 2021 on the file of Courtallam Police Station, that the Additional Superintendent of Police (District Information Officer), Tenkasi has given the particulars to



Cont.P.(MD)No.2546 of 2023

the petitioner as furnished by the Inspector of Police, Courtallam Police Station, that the Inspector of Police, Courtallam Police Station in her reply has specifically stated that the investigation was monitored neither by the Deputy Superintendent of Police nor by the Superintendent of Police and that the said reply issued under the provision of Right To Information Act would go to prove that the contemnors have clearly violated the order of this Court.

5. The learned Government Advocate (Criminal Side) appearing for the contemnors would submit that the reply given by the Inspector of Police, Courtallam Police Station was a mistake committed by them without noticing the case particulars, that the second contemnor has monitored the investigation and gave instructions, that the Superintendent of Police, Tenkasi has also issued the memorandum dated 10.04.2023 directing the first contemnor to proceed with the investigation and directed the second contemnor to monitor the investigation and that they have followed the order of this Court and the allegations levelled are all false and incorrect.



Cont.P.(MD)No.2546 of 2023

WEB COPY

6. The contemnors have produced the copies of the Memo notices given by the second contemnor, wherein, it is evident that the second contemnor has given memorandums dated 23.12.2022, 20.02.2023 and 16.03.2023 directing the first contemnor to proceed with the investigation and further directed to de-freeze the account of one Tamilarasi, available in Indian Bank and to arrest the accused and to file a charge sheet at an earlier date.

7. As rightly pointed out by the learned Government Advocate (Criminal Side), the Superintendent of Police has also issued the memorandum dated 10.04.2023 directing the first contemnor to proceed with the investigation and wherein, the second contemnor was directed to monitor the investigation.

8. As already pointed out, it is pertinent to note that the petitioner, only on the basis of the reply received under the provisions of Right To Information Act that there was no monitoring of investigation, has invoked the contempt jurisdiction. As rightly pointed by the learned Government Advocate (Criminal Side), the second contemnor has monitored the



Cont.P.(MD)No.2546 of 2023

investigation and as per the instructions given by the second contemnor and the Superintendent of Police, charge sheet came to be filed. It is pertinent to note that in order to establish Contempt of Court, it is necessary to prove that the conduct was willful and that the contemnor knew of all the facts which made it a breach of the undertaking. In the case on hand, considering the above facts and circumstances, there is absolutely no material to infer that the contemnors have disobeyed the order of this Court and as such, the question of willful disobedience does not arise. Since the petitioner has not shown that the contemnors have disobeyed the order of this Court and the same was willful, this Court concludes that the contempt petition is devoid of merit and the same is liable to be dismissed.

9. In the result, this Contempt Petition is dismissed.

28.03.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



Cont.P.(MD)No.2546 of 2023

WEB COPY

To

1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Tenkasi District.
2. The Deputy Superintendent of Police, DCB
Incharge DSP at Anti-Land Grabbing Special Cell,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cont.P.(MD)No.2546 of 2023

K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Cont.P.(MD)No.2546 of 2023
in
Crl.O.P.(MD)No.3041 of 2023

Dated : 28.03.2024