



Cont.P.No.2213 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

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Tabrez @ Tabrez Alikhan

.. Petitioner

/Versus/

1.A.Arun,
The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600007.

2.Sudhakar,
The Sub Inspector of Police (Crime)
D1 Triplicane Police Station,
Chennai.

.. Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, pleased to punish the respondent for contempt of the order of this Hon'ble Court passed in Crl.O.P.No.22303 of 2024 dated 11.09.2024

For Petitioner : Mr.J.Sathish

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

ORDER

Crime No.148 of 2023 was registered under Sections 406, 419, 468 & 471 IPC based on the complaint given by one Tabrez @ Tabrez



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Alikhan against Suhail Hyder Khan and another. Since there was no progress in the investigation, Tabrez @ Tabrez Alikhan approached this Court in Crl.O.P.No.22303 of 2024 seeking direction to complete the investigation in Crime No.148 of 2023 and to file a final report.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, submitted that the investigation was almost completed and the final report would be filed within one month. Recording the said submission, this Court disposed of Crl.O.P.No.22303 of 2024 dated 11.09.2024, directing the respondent police to complete the investigation and file a final report within a period of one month.

3. The present Contempt Petition has been filed alleging that despite the specific direction to complete the investigation and to file a file report within one month, the order of this Court has not been complied with.

4. Mr.N.Prakash, attached to D1, Triplicane Police Station, has filed affidavit stating that during the course of investigation, he came

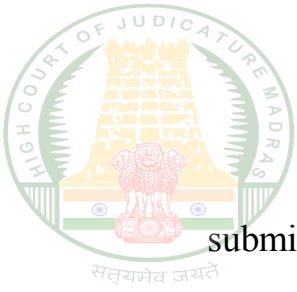


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to know about the order passed by the High Court of Madras in W.P.No.2396 of 2023 on 10.04.2023, wherein the Hon'ble High Court quashed the proceedings dated 05.01.2023 passed by the Tamil Nadu Wakf Board. As a result, the complainant herein has no *locus* to file a complaint against the recognized Muttavali of the said Dargah.

5. Having found that the complainant has no *locus standi* to sustain the complaint in light of the order passed by the High Court in W.P.No.2396 of 2023, the closure report was filed as “Action dropped” on 16.07.2025 before the II Metropolitan Magistrate, Egmore, Chennai. The Court issued notice to the defacto complainant for his appearance and on his appearance on 31.07.2025, the case was posted to 18.08.2025 for further proceedings.

6. The learned counsel appearing for the petitioner submitted that the order of the High Court in W.P.No.2396 of 2023 was passed on 10.04.2023 and there is no impediment to investigating the complaint against Suhail Hyder Khan and another for the alleged offence of misappropriation of Wakf funds by impersonation. He further



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submitted that the respondent police by wrongly interpreting the order of the High Court passed in W.P.No.2396 of 2023, closed the complaint as “Mistake of Facts”.

7. This Court, after perusing the records, finds that regarding the allegations of impersonation and misappropriation, the 2nd respondent police had closed the complaint and filed a closure report before the Judicial Magistrate, who has taken note of the closure report and caused notice to the defacto complainant. Based on the protest petition, an enquiry is pending. Therefore, this Court is not inclined to discuss about the merits of the complaint or the closure report at this juncture.

8. Insofar as the Contempt Petition is concerned, though there was a delay in complying the order, from the affidavit filed, it appears that the complaint of the petitioner been investigated and closed. Whether the closure report is to be accepted or not is now left to the discretion of the Judicial Magistrate. The protest petition is under consideration of the Judicial Magistrate to take appropriate decision.



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Hence, this Contempt Petition stands closed.

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9. It is open to the petitioner/defacto complainant to pursue his remedy before the Judicial Magistrate in the protest petition, without being prejudiced by any of the observations made by this Court or in the order passed in W.P.No.2396 of 2023.

01.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rpl

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