



Contempt Appeal Nos.8 and 9 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/01/2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Contempt Appeal Nos.8 and 9 of 2013

K.P.Maghendhran,
Ex-Director, Vigilance and
Anti-Corruption /
Additional Director General of Police,
Chennai.

... Appellant in
Cont.A.No.8 of 2013

The Director,
Directorate of Vigilance and
Anti-Corruption,
R.A.Puram,
Chennai - 28.
Rep. by Sathish Kumar Dogra

... Appellant in
Cont.A.No.9 of 2013

Vs.

1.Balakrishnan
2.Sathish Kumar Dogra,
Director,
Vigilance and Anti-Corruption,
Chennai - 28.

... Respondents 1 and 2 in
Cont.A.No.8 of 2013



Contempt Appeal Nos.8 and 9 of 2013

1.BalaKrishnan
2.Thiru.K.G.Maghendhran,
Ex-Director,
Vigilane and Anti Corruption,
Chennai - 28.

... Respondents 1 and 2 in
Cont.A.No.9 of 2013

Prayer in both the appeals : These Contempt Appeals are filed under Section 19 of the Contempt of Courts Act, 1971 to set aside the impugned order dated 26.08.2013 made in Contempt Petition No.932 of 2012 in Crl.O.P.No.10255 of 2010

For Appellant in
both the appeals : Mr.R.Muniyapparaj
Additional Public Prosecutor

For Respondents in
both the appeals : Mr.P.Chandrasekar for R1
Mr.R.Muniyapparaj
Additional Public Prosecutor
for R2



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Contempt Appeal Nos.8 and 9 of 2013

COMMON JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

These appeals are filed under Section 19 of the Contempt of Courts Act, 1971, seeking to set aside the order dated 26.08.2013 passed in Cont.P.No.932 of 2012, whereby the appellant in Contempt Petition No.8 of 2013 was held guilty of contempt of court, and in respect of the appellant in Contempt Petition No.9 of 2013, a direction was issued for registration of a criminal case.

2. Contempt Appeal No.8 of 2013 has been filed by one K.P.Maghendran, who served as Director, Vigilance and Anti-Corruption during the relevant period and against whom a finding of guilt for contempt had been recorded by the learned Single Judge. Contempt Appeal No.9 of 2013 has been filed by Thiru R.Sathish Kumar Dogra, who was the Director, Vigilance and Anti-Corruption at the time of filing of the appeal. Though no personal finding of contempt had been recorded against him, the learned



Contempt Appeal Nos.8 and 9 of 2013

Single Judge, by the impugned order, issued a direction to the Director, Vigilance and Anti-Corruption to cause registration of a criminal case and conduct investigation. The said direction being binding on the office of the Director and affecting the functioning of the Directorate, the Director has filed the appeal in his official capacity.

2. Since both appeals arise out of the common order dated 26.08.2013 passed in Cont.P.No.932 of 2012 and involve common questions of fact and law, they are taken up together and disposed of by this common judgment.

3. The first respondent herein had filed Crl.O.P.No.10255 of 2010 seeking a direction to the Director, Vigilance and Anti-Corruption, to register a criminal case on the basis of his complaint dated 10.06.2009 alleging irregularities in the grant of planning permission in favour of M/s.Ozone Projects Private Limited. By order dated 27.08.2010, this Court directed the Director, Vigilance and Anti-Corruption, to conduct a preliminary enquiry in respect of the said complaint and, if such preliminary enquiry revealed commission of any offence, to register a case and investigate the same.



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4. Pursuant to the said order, the Directorate of Vigilance and Anti-Corruption conducted a preliminary enquiry through the Deputy Superintendent of Police. The preliminary enquiry report disclosed certain administrative irregularities in the processing of the file relating to planning permission but did not disclose the ingredients of any cognizable offence under the Prevention of Corruption Act, 1988. The report was forwarded to the Government for appropriate action. Since no criminal offence was made out, no criminal case was registered.

5. Alleging wilful disobedience of the order dated 27.08.2010, the first respondent filed Contempt Petition No.932 of 2012. The learned Single Judge, by order dated 26.08.2013, held that suppression of certain material facts relating to pendency of writ proceedings and objections of the first respondent had resulted in grant of planning permission and that such suppression could not be treated as a mere irregularity. The learned Judge was of the view that the acts disclosed in the preliminary enquiry attracted the ingredients of Section 13(1)(d)(ii) of the Prevention of Corruption Act,



1988 and that treating them as irregularities amounted to a deliberate attempt to bypass the orders of this Court. On such reasoning, the learned Single Judge held the second respondent therein / K.P.Maghendhran guilty of contempt of court. Though the learned Judge accepted the apology and refrained from imposing punishment, a direction was issued to the Director, Vigilance and Anti-Corruption to cause registration of a criminal case and conduct investigation.

6. Aggrieved by the said findings and directions, the present appeals have been filed.

7. The learned Additional Public Prosecutor for the appellants would contend that the impugned order is contrary to law, weight of evidence and probabilities of the case. It is submitted that the order dated 27.08.2010 passed in Crl.O.P.No.10255 of 2010 was fully complied with. Pursuant to the said direction, a preliminary enquiry was conducted sincerely and in obedience to the order of this Court by the competent officer of the Directorate of Vigilance and Anti-Corruption. The preliminary enquiry did



Contempt Appeal Nos.8 and 9 of 2013

not reveal the ingredients of any cognizable offence under the Prevention of Corruption Act, 1988 and hence no criminal case was registered.

8. The learned Additional Public Prosecutor further submits that the jurisdiction for contempt can be invoked only in cases of wilful disobedience of a clear and specific direction issued by the Court. In the present case, the direction of this Court was merely to conduct a preliminary enquiry and to register a case only if such enquiry disclosed the commission of any offence. There was no specific direction to register a case irrespective of the outcome of the preliminary enquiry. As the preliminary enquiry did not reveal the commission of any offence, the non-registration of a case cannot be construed as disobedience of this Court's order. It is further contended that the learned Single Judge failed to appreciate that the Directorate of Vigilance and Anti-Corruption neither delayed nor disobeyed the orders of this Court and that the order dated 27.08.2010 was complied with both in letter and in spirit. The finding that there was a deliberate attempt to bypass the order of this Court is unsupported by any evidence or material on record.



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Contempt Appeal Nos.8 and 9 of 2013

9. The learned Additional Public Prosecutor argues that, in contempt proceedings, the Court only has to decide whether its earlier order was deliberately disobeyed. If there was wilful disobedience, then the Court can consider punishment. The Court cannot, in contempt proceedings, examine the truth of the original allegations or give new directions on the main issue. Therefore, it is argued that the Court should not go into the merits of the case or pass fresh orders beyond deciding whether there was disobedience. The direction issued by the learned Single Judge to the Director, Vigilance and Anti-Corruption, to register a criminal case travels beyond the scope of contempt jurisdiction and is therefore liable to be set aside. It is further submitted that the preliminary enquiry report showed only some administrative irregularities and did not disclose any criminal misconduct. It is argued that the learned Single Judge made an error in treating these irregularities as offences under Section 13(1)(d)(ii) of the Prevention of Corruption Act. Hence, the learned Additional Public Prosecutor prays to set aside the order passed in the contempt petition.

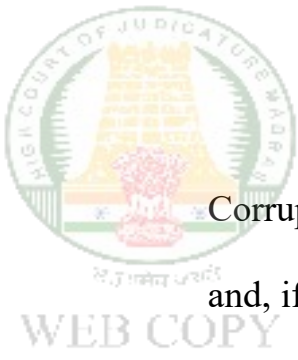


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10. Per contra, the learned counsel for the first respondent submits that the preliminary enquiry itself revealed suppression of the orders of the High Court and of certain objections, which directly resulted in the grant of planning permission. According to the learned counsel, such suppression amounts to an abuse of official position and discloses the commission of an offence under the provisions of the Prevention of Corruption Act. It is further submitted that treating such acts as mere administrative irregularities would amount to shielding the wrongdoers and would constitute wilful disobedience of the order of this Court. Hence, it is contended that the learned Single Judge was justified in holding that contempt was made out and in issuing appropriate directions.

11. We have carefully considered the rival submissions and perused the materials placed on record.

12. It is not disputed that the order dated 27.08.2010 passed in CrI.O.P. No.10255 of 2010 directed the Director, Vigilance and Anti-9/14



Corruption, to conduct a preliminary enquiry into the respondent's complaint and, if the enquiry revealed the commission of any offence, to register a case and proceed with the investigation. It is also not disputed that, pursuant to this direction, a preliminary enquiry was conducted by the Directorate of Vigilance and Anti-Corruption and a report was submitted. The report pointed out certain administrative and procedural irregularities; however, according to the appellants, it did not reveal the commission of any cognizable offence requiring registration of a criminal case. According to the appellants, since no material was found showing the commission of a cognizable offence, no criminal case was registered and, therefore, the question of initiating criminal proceedings did not arise. Since the order dated 27.08.2010 required registration of a case only if the preliminary enquiry revealed the commission of any offence, the direction contained in that order must be taken to have been duly complied with.

13. It is well settled that contempt jurisdiction is limited in scope and can be invoked only where there is willful disobedience of a clear and specific direction of the Court. Where an order requires an authority to conduct an enquiry and to take action based on the outcome of such enquiry,

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and such enquiry has in fact been conducted, the mere fact that the complainant is dissatisfied with the outcome cannot constitute contempt of court.

14. In the present case, there was no specific direction to register a criminal case in any event. Registration of a case was contingent upon the preliminary enquiry revealing commission of an offence. Since the preliminary enquiry did not reveal any offence, non-registration of a case cannot be construed as willful disobedience of the order of this Court.

15. The learned Single Judge, while exercising contempt jurisdiction, proceeded to examine whether the acts disclosed in the preliminary enquiry constituted an offence under the Prevention of Corruption Act and issued a direction to register a criminal case. Such an exercise amounts to adjudication on the merits of the allegations and issuance of fresh substantive directions, which travel beyond the scope of contempt proceedings. In contempt proceedings, the Court cannot enlarge the scope of



the original order or issue additional directions not forming part of the original judgment.

16. The finding that there was a deliberate attempt to bypass the orders of this Court is not supported by any material establishing willful or intentional disobedience. Once it is shown that the preliminary enquiry was conducted and the report submitted, compliance with the order dated 27.08.2010 stands established. Whether the irregularities disclosed in the preliminary enquiry constitute criminal misconduct is a matter to be considered in appropriate proceedings under criminal or administrative law and not within the limited scope of contempt jurisdiction.

17. For all the aforesaid reasons, we are of the considered view that the finding of contempt recorded by the learned Single Judge cannot be sustained and the consequential direction issued to the Director, Vigilance and Anti-Corruption to register a criminal case is liable to be set aside.



Contempt Appeal Nos.8 and 9 of 2013

18. Accordingly, the order dated 26.08.2013 passed in Cont.P.No.932

of 2012, holding the appellant in Contempt Appeal No.8 of 2013, K.P.Maghendhran, guilty of contempt of court and directing registration of a criminal case, is set aside. In view of the above, Contempt Appeal Nos.8 and 9 of 2013 are allowed.

[P.V.J.] [M.J.R.J.,]
23 / 01 / 2026

Speaking Order
Neutral Citation case: Yes

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Contempt Appeal Nos.8 and 9 of 2013

P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

r n s

Judgment in
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