
(2015) 07 MAD CK 0374
In the Madras High Court
Case No : C.P. No. 2867 of 2014

Sudha	Vs	APPELLANT
Meena		RESPONDENT

Date of Decision : 06-07-2015

Acts Referred:

Citation : (2015) 5 MLJ 821

Hon'ble Judges : P. Devadass, J

Bench : Single Bench

Advocate : G.K.R. Pandiyan, for the Appellant; P. Govindarajan, APP, Advocates for the Respondent

Judgement

P. Devadass, J—Sudha/A-2 came forward with this petition to punish Meena, Inspector of Police, All Women Police Station, Chidambaram for her alleged violation of this Court's order, dated 19.11.2013 passed in CrI. O.P. No. 29446 of 2013. Respondent filed her counter affidavit.

2. It is stated that head ache for Sudha's family came from Shakeela, wife of petitioner's brother Balu @ Prabakaran. Based on the complaint of Shakeela, the respondent viz., Meena, Inspector of Police, All Women Police station, Chidambaram registered a domestic violence case in Cr. No. 16 of 2013 on 14.9.2013.

3. In this case, petitioner is A-2. Completing her investigation, the respondent filed the final report before the learned Judicial Magistrate, Portonovo on 30.9.2013.

4. According to the learned counsel for the petitioner, on 19.11.2013, in CrI. O.P. No. 29446 of 2013 this Court granted interim stay in Cr. No. 16 of 2013 with respect to the petitioner. The learned counsel for the petitioner submitted that disregarding the said order, the respondent had filed the final report as against this petitioner also. And this shows contumacious conduct on her part.

5. The learned Additional Public Prosecutor submitted that the respondent did not exhibit any contumacious conduct. She did not show any willful disobedience to the Court order.

6. I have anxiously considered the rival submissions, perused the averments in the contempt petition and the counter filed by the respondent and the materials on record.

7. The Court granted interim stay with respect to Sudha on 19.11.2013. It is pertinent to note that the respondent had completed the investigation and filed the final report before the learned Judicial Magistrate, Portonova on 11.10.2013 itself.

8. The learned counsel for the petitioner informed details of this Court order, dated 19.11.2013 to the respondent by his letter. It was received on 20.11.2013 by Asha, W.P.C. 1268, All Women Police Station, Chidambaram.

9. In the meanwhile, the final report has been returned by the learned Magistrate since opinion of the learned Assistant Public Prosecutor was not obtained. This Court's order, dated 19.11.2013 was officially received by the respondent on 9.4.2014. However, since the investigation has already been over, the final report was represented before the said Court after obtaining the opinion of the learned Assistant Public Prosecutor.

10. Contempt jurisdiction has been conferred upon the Courts to deal with Civil and Criminal contempts. It is to enforce Court orders. It is to see that the Court orders are obeyed and punctually carried out and also to deal with appropriately when there is any contumacious conduct on the part of a contemnor in implementing/obeying court orders and also when there is willful disobedience to Court orders.

11. While exercising contempt jurisdiction more particularly with respect to public servants the Court must be very careful because sometimes it will affect their service career, ruin their future and it will have its effect on their dear and near ones and it will give food for thought for their enemies in service at least those who are below them in the seniority list. Thus, the Court must be very careful in exercising this jurisdiction. When the Court is satisfied that the orders of the court are obeyed, the Courts should be magnanimous in closing the matter. However, when there is recalcitrant attitude on the part of certain public servants who used to labour under some misconception that the public are their servants and have the mentality of come whatever may and remain a lame duck over Court orders, in such circumstances, the Court is bound to uphold the majesty and mighty of law by dealing with such persons appropriately. All depends on the facts and circumstances of each case. In the facts and circumstances of this case, as no contumacious conduct on the part of the respondent has been established, this contempt petition is closed.