

D.Nithya Vs Kennedy

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Court : Chennai

Decided On : Jan-23-2026

Judge : Honourable Mr Justice K.Murali Shankar

Appeal No. : CONT P(MD)/3074/2025

Appellant : D.Nithya

Respondent : Kennedy

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Reserved on : 18.12.2025

Pronounced on : 23.01.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR in
Crl.O.P.(MD)No.22494 of 2022 D.Nithya ... Petitioner/ Petitioner Vs.
1.Kennedy Assistant Commissioner of Police, Cantonment, Tiruchirapalli.
2.Anbalagan Inspector of Police, Cantonment Police Station,
Cantonment, Tiruchirapalli. ... Contemnors/ Respondents Prayer : This
Contempt Petition filed under Section 11 of Contempt of Courts Act,
1971, to punish the respondents for the contempt that they

have committed violating the order of this Court on 20.12.2022 in Crl.O.P. (MD)No.22494 of 2022. For Petitioner : Mr.S.K.Mani For Contemnors : Mr.B.Thanga Aravindh, Government Advocate (Crl. Side)

ORDER

The Contempt Petition has been filed invoking Section 11 of the Contempt of Courts Act seeking orders to punish the contemnors for the contempt that they have committed violating the orders of this Court in Crl.O.P.(MD)Nos.22494 to 22496 of 2022 dated 20.12.2022.

2. The petitioner filed three petitions in Crl.O.P.(MD)Nos.22494 to

22496 of 2022 invoking Section 482 Cr.P.C. seeking orders to transfer the complaint lodged by the petitioner pending before the Inspectors of Police, All Women Police Station Srirangam, All Women Police Station Cantonment and Thiruverambur Police Station to the file of an Investigating Agency, preferably, the Crime Investigation Department (CB-CID) or any other Investigating Agency.

3. It is evident that there existed matrimonial dispute between the

petitioner and her husband and the petitioner, alleging that her husband and her in-laws have been harassing her demanding money and attacked her brutally in her bank premises, in her matrimonial home and in her parental home, lodged complaints. On the basis of the complaints lodged by the petitioner, FIR came to be registered in Crime No.127 of 2022 on 14.04.2022 on the file of the All Women Police Station, Thiruverambur for the offences under Sections 147, 294(b), 323 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act. On the basis of the complaint lodged by the petitioner's husband's brother, another FIR came to be registered in Crime No.128 of 2022 against the petitioner's father and brother on the file of the Thiruverambur Police Station for the offences under Sections 294(b), 307 and 506(2)

IPC. It is not in dispute that for the incident alleged to have occurred in Punjab National Bank premises where the petitioner was working, Cantonment All Women Police Station registered a case in Crime No.9 of 2022 dated 14.06.2022 for the offences under Sections 498(A), 323, 294(b) and 506(1) IPC. According to the petitioner, she lodged a complaint with the Inspector of Police, All Women Police Station, Srirangam on 02.07.2022 but there was no action.

4. The petitioner, in the petitions filed under Section 482 Cr.P.C.,

claimed that the time sequences as well as the occurrences had been continuous, but the same had taken place in three different places, within the limits of different police stations and that therefore, all the three complaints given by the petitioner ought to be investigated by CB-CID or

any other investigating agency. This Court, considering the above facts

and circumstances and also the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State, passed a common order dated 20.12.2022 directing the Commissioner of Police, Trichy City, in consultation with the Superintendent of Police (Rural) to appoint any Inspector of Police under his control for investigating the three cases in Crime Nos.127 and 128 of 2022 on the file of the Thiruverambur Police Station and Crime No.9 of 2022 on the file of the Cantonment All Women Police Station and the complaint pending before the All Women Police Station, Srirangam and to nominate a police officer in the rank of Deputy Superintendent of Police / Assistant Commissioner of Police to monitor the investigation. The petitioner, by alleging that the contemnors have committed deliberate and willful disobedience to the orders passed by this Court, has filed the

present contempt petition.

5. It is the case of the petitioner that though the petitioner had been

visiting the police stations on several occasions and reminding them the orders passed by this Court dated 20.12.2022, they have not taken any action and they were totally ignoring the orders of this Court and that therefore, the petitioner was constrained to send a legal notice dated 31.07.2024 calling upon the contemnors to perform their respective duties based upon the orders of this Court but having received the notice, they did not care to take any action, as directed by this Court.

6. The main grievance of the petitioner is that no enquiry was conducted in CSR.No.441 of 2022 pending on the file of the All Women Police Station, Srirangam.

7. During enquiry, this Court came to know that in Crime No.128 of

2022 on the file of the Thiruverambur Police Station, charge sheet was laid as early as on 13.09.2022 and the case was taken on file in P.R.C.No.148 of 2022 on the file of the Court of Judicial Magistrate No.VI, Trichy.

Admittedly, when the criminal original petitions were taken up for hearing on 20.12.2022, filing of the charge sheet and taking of the charge sheet on file was not brought to the notice of this Court and even after passing of orders on 20.12.2022, the prosecution has not brought to the notice of this Court. It is evident from the records that the Superintendent of Police has issued a proceedings on 31.03.2023 nominating the Inspector of Police, All Women Police Station, Thiruverambur to conduct the investigation in all four matters and even at that time, filing of the charge sheet and taking of the charge sheet on file was not taken into account. It is further evident that the Commissioner of Police has issued another proceedings subsequently nominating the Inspector of Police, Cantonment Police Station to conduct investigation in four cases i.e., 3 FIRs and enquiry in CSR.No.441 of 2022 and in that proceedings also, there was no reference to the charge sheet already laid in Crime No.128

of 2022 on the file of the Thiruverambur Police Station. Considering the above, this Court directed the Commissioner of Police, Trichy as well as the Superintendent of Police to submit a report in that regard and accordingly, the Commissioner of Police, Tiruchirappalli City and the Superintendent of Police, Tiruchirappalli District filed their reports, wherein, they have stated that

non-reporting of the filing of the final report in Crime No.128 of 2022 was neither willful nor wanton but due to inadvertence.

8. In pursuance of the proceedings of the Commissioner of Police,

Thiru.P.Sivakumar, Inspector of Police, Cantonment Police Station received 2 FIR cases and one CSR case and registered a case in Cantonment Police Station Crime No.1343 of 2023 in respect of Cantonment All Women Police Station Crime No.9 of 2022 and also registered a case in Cantonment Police Station Crime No.1344 of 2023 in respect of Thiruverambur Police Station Crime No.127 of 2022.

9. The contemnors have filed their counter affidavits. The

contemnors, in their affidavits, have stated that the Inspector of Police, Cantonment Police Station served summons to the petitioner and the counter petitioner for enquiry to be held on 19.10.2023 in respect of CSR.No.441 of 2022 of Srirangam All Women Police Station but due to non-appearance of both the parties, enquiry was adjourned on 26.11.2023, on which date, both of them appeared and their statements were recorded. It is their further case that on 26.11.2023, the petitioner's counsel

Thiru.Karthik and the petitioner's husband appeared before the Inspector of Police, Cantonment Police Station and on 27.11.2023, an authorized agent of the petitioner received the articles such as carrier AC machine, exhaust and two gas cylinders and that the petitioner's complaint was closed on that day.

10. The learned Government Advocate (Criminal Side) appearing

for the contemnors would submit that the petitioner, after receiving the articles, has stated that she will work out her remedy before the Court of law and on that basis, her complaint was ordered to be closed.

11. As rightly contended by the learned Government Advocate

(Criminal Side), the petitioner lodged separate complaints with regard to three occurrences alleged to have held on 13.04.2022 and according to the petitioner, first occurrence was held in her bank premises, second occurrence at her husband house and third occurrence at her parental house.

12. The learned counsel appearing for the petitioner would submit that in the status report filed by the contemnors earlier, they have

mentioned about e-filing dates of two charge sheets but the same are incorrect. Considering the said submission of the learned counsel appearing for the petitioner, this Court directed the Registry to call for a report from the Additional Mahila Court, Trichy as to when the charge sheets were filed through e-filing and the date on which, charge sheets were taken on file. In pursuance of the said direction, the learned Judicial Magistrate No.I, Additional Mahila Court, Tiruchirappalli submitted a report dated 24.11.2025 stating that charge sheets were filed for the cases in Crime Nos.1343 of 2023 and 1344 of 2023 on 09.10.2025 and the charge sheets were taken on file on 13.10.2025 as C.C.No.2093 of 2025 and C.C.No.2094 of 2025 respectively.

13. As rightly pointed out by the learned Government Advocate

(Criminal Side), charge sheet in Crime No.1343 of 2023 is with respect to the occurrence held at about 07.30 p.m. on 13.04.2022 in the bank premises and the charge sheet in Crime No.1344 of 2023 is with regard to three occurrences allegedly held on 13.04.2022 and more particularly, the occurrences held at the petitioner's matrimonial house as well as in

her parental house.

14. It is pertinent to mention, as rightly pointed out by the learned

Government Advocate (Criminal Side), that the complaint which was pending before the All Women Police Station, Srirangam earlier and subsequently closed by the Cantonment Police (CSR.No.441 of 2022) is also with regard to the occurrence held on 13.04.2022.

15. As rightly contended by the learned Government Advocate

(Criminal Side), since charge sheets were already filed and the same were taken on file with regard to the three occurrences held on 13.04.2022, since the complaint in CSR.No.441 of 2022 was also for the same occurrence and taking note of the receipt of articles by the petitioner from her husband, the complaint was ordered to be closed.

16. The Hon'ble Supreme Court in Chaturanga Kantharaj and another Vs. P.Ravikumar and others reported in 2024 Live Law SC 971,

held that the contempt power can be invoked only if it is established that

there was wilful disobedience.

17. Considering the above facts and circumstances, it is evident that

there is absolutely no material to infer that the contemnors have disobeyed the orders 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 orders of this Court and the same was willful, this Court concludes that the contempt petition is devoid of merit and is liable to be dismissed.

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

23.01.2026 NCC :yes/No Index :yes/No Internet:yes/No csm To 1.Kennedy Assistant Commissioner of Police, Cantonment, Tiruchirapalli. 2.Anbalagan Inspector of Police, Cantonment Police Station, Cantonment, Tiruchirapalli. 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

K.MURALI SHANKAR,J.

csm Pre-Delivery Order made in in Crl.O.P.(MD)No.22494 of 2022 Dated : 23.01.2026

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