

Telangana High Court Sentences IPS Officer And 3 Police Officers To Four Weeks Imprisonment For Contempt of Supreme Court guidelines

In a recent case of contempt, the Telangana High Court sentenced an IPS officer and three police officials to four weeks in jail.

The facts of case are as follows-

On June 25, 2011, the first petitioner got married the complainant in a registered marriage. Both the first petitioner and the complainant were married for the second time. They have been living separately since July 2014 after their marriage didn't really work out. In February 2016, the 1st petitioner moved to Thailand with his daughter and mother (2nd petitioner herein). When the first petitioner returned to India, the complainant fabricated a conspiracy and filed a complaint against petitioners No. 1 and 2, as well as the first petitioner's widowed sister-in-law. On November 14, 2019, the case was filed under the IPC Sections 406 (criminal breach of trust), 420 (cheating), and 120-B (criminal conspiracy).

The petitioners and the widowed sister-in-law received no notification of the hearing. When the petitioners learned of the FIR, they filed a Criminal Petition to have it quashed, and all proceedings were temporarily halted.

Following that, the petitioners learned that within a week of filing the FIR, the DCP, West Zone, Hyderabad (Contemnor 1) had issued a LOC against the first petitioner. Following a year of coordination with West Zone Police personnel, the complainant filed a second false complaint against the petitioners under Sections 498A, 506 IPC, Sections 3 and 4 of the Dowry Prohibition Act, and Section 30 of the Arms Act. She'd withdrawn the previous FIR that had been lodged.

As a result, the contemnors were aware of the petitioners' whereabouts in Thailand. The petitioners, the Attorney, and the Advocate on record received no notification from the defendants regarding the FIRs. Furthermore, the defendants hurriedly filed a charge sheet with the Magistrate and had it numbered the same day. During the outbreak, instead of following the norms given down by the Hon'ble Apex Court in marital laws, the defendants purposefully defrauded the court and were granted non-bailable warrants through bogus submissions. The defendants hurriedly prepared a charge sheet listing the petitioners as missing. Contemnors issued a Look Out Notification instead of issuing Section 41A crpc notice.

Contention of petitioners-

- The contemnors were filing multiple false complains against the petitioners.
- There was no notice given to the petitioners in any of the cases, and they were all filed in secret.
- The petitioners were subjected to severe humiliation in their social circles as a result of the bogus Look out Circular and falsely obtained NBWs. They were now referred to as absconders.

Contention of respondents-

- the petitioners have not been detained and have suffered no injury. The petitioners made irresponsible claims against the respondent police without collaborating with the Investigative Agency or appearing in court.
- the respondents submitted a counter-affidavit claiming that a power of attorney holder could not launch a contempt case.
- There was no miscarriage of justice, and the question of malicious prosecution would not arise because the petitioners had not yet been detained in the case.

Court findings-

Justice G. Radha Rani observed that in this case, the defendants disobeyed the Court's order that the accused be served with a notice of appearance under Section 41-A Cr.P.C. within two weeks of the case's institution, as directed by the Hon'ble Apex Court in Arnesh Kumar's case. Infringement that are likely to jeopardise the public's trust in the judicial process and the judicial system must be punished in order to prevent such events from occurring again and having a negative influence on public trust.

Contempt actions are brought to guarantee that the Court's instructions are followed and that the rule of law is upheld. The Hon'ble Apex Court's orders are final and must be followed by all parties involved.

As a result, the Contempt Case was permitted to proceed.

Case name- Jakka Vinod Kumar Reddy v. Mr. A. R. Srinivas and 3 others,