



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P. (MD) No.156 of 2011

and

M.P. (MD) .No.1 of 2011

WEB COPY

M.Pandian

... Petitioner

vs.

1.Thirugnanam

2.The Revenue Divisional Officer,
Thanjavur.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to set aside the impugned order dated 08.12.2010 in Crl.R.P.No.21 of 2010 on the file of the Additional District and Sessions Court/EC Court, Thanjavur and confirming the order dated 23.04.2010 in Na.Ka.No.290/2009/A3 passed by the R.D.O Thanjavur and allow the above criminal original petition.

For Petitioner : Mr.G.R.Swaminathan

For R2 : Mr.K.Anbarasan

For R1 : Mr.V.S.Ramalingam

ORDER

This Criminal Original Petition has been filed to set aside the impugned order dated 08.12.2010 in Crl.R.P.No.21 of 2010 on the file of the Additional District and Sessions Court/EC Court, Thanjavur and confirming the order dated 23.04.2010 in Na.Ka.No.290/2009/A3 passed by the R.D.O Thanjavur and allow the above criminal original petition.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the second respondent and the learned counsel for the first respondent.

3.The petitioner has challenged the proceedings under Section 145 Cr.P.C., as confirmed by the Appellate Authority.

4.The learned counsel for the petitioner submitted that in the interest of justice, matter of civil dispute can be decided independently, not depending upon the proceedings initiated under Section 145 Cr.P.C. He further submitted that the petitioner's brother filed a suit in O.S.No.169 of 2011, for permanent injunction before the Sub Court, Thanjavur.

5.The law is quite settled that an order passed under Section 145 Cr.P.C. is subject to the orders of the civil Court. The civil Court will have to decide the civil dispute independently, without having reference to the order passed under Section 145 Cr.P.C.



6. With the above clarification, the criminal original petition is disposed of with a direction to the learned Sub-Judge, Thanjavur to dispose of the suit in O.S.No.169 of 2011 within a period of nine months from the date of receipt of a copy of this order, without being influenced by the observations made in any other order, either by the original authority or by the appellate authority.

Sd/-
Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

To

1 The Additional District and Sessions Judge
(EC court, Thanjavur)

2. The Subordinate Judge,
Thanjavur.

3. The Revenue Divisional Officer,
Thanjavur.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S T. ANTONYARULRAJ ADVOCATE IN SR NO.34815

Ns:
sdr:28.07.2015:2p/6c

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