

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14654 of 2010

and

MP.No.1 of 2010

M.Ranganathan

... Petitioner

Vs

The State represented by
Inspector of Police
Bommidi Police Station,
Dharmapuri District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records and Information Report in Crime
No.32 of 2010 on the file of the respondent.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to
call for the records and First Information Report in Crime No.32 of
2010 on the file of the respondent.

2. Heard the learned counsel appearing for the petitioner
and the learned Additional Public Prosecutor appearing for the
State.

3. Pursuant to the directions issued by the District Munsif-
cum-Judicial Magistrate in Crl.M.P.No.1785 of 2009 under Section 156
(3) Cr.P.C., on the complaint lodged by one Radhakrishnan, the
respondent police registered a case in Crime No.32 of 2010 under
Sections 34, 120-B and 167 IPC against Sivagami, Ranganathan,
Sinduja and Jayakumar, challenging which, Ranganathan is before this
Court.

4. It is alleged by the complainant that Sivagami is only a patta holder and not the owner of the property in dispute and that she had made an application to the petitioner who was the jurisdictional Tahsildar for issuance of patta and that the petitioner had issued the patta in favour of Sivagami illegally.

5. On a careful reading of the complaint, it is evident that there is a dispute between the complainant and Sivagami which is pending before the Civil Court. While so, if the complainant is aggrieved by the issuance of patta by the Tahsildar to Sivagami, the remedy available to the complainant is to file an appeal before the Revenue Divisional Officer to cancel the patta and not to approach the Criminal Court for a direction to the police to register an FIR against the Tahsildar.

6. It is obvious to this Court that the criminal prosecution against Sivagami and the Revenue officials is clearly an abuse of process of law.

7. Accordingly, this petition is allowed and the entire FIR prosecution in Crime No.32 of 2010 is quashed as against the accused, including those who have not approached this Court. Consequently, connected miscellaneous petition is closed.

mk

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Inspector of Police
Bommidi Police Station,
Dharmapuri District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC Mr.R.John Sathyan Advocate SR.No.53663

CRL.OP.No.14654 of 2010

GJ

MSI 20/10/2016