



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL MP (MD) No.10737 of 2016

IN

CRL OP (MD) No.19382 of 2016

1 G. KRISHNAMOORTHY
2 K. GOPINATHAN

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 357 OF 2016.

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition imposed on the Petitioners in Crl.O.P.(MD) No.19382 of 2016 on 06.10.2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.G.RAJARAMAN, Advocate for the petitioner and of Mrs.S.PRABHA, Government Advocate, (Crl.side) on behalf of the Respondents the court made the following order:-

This Court, by an order dated 19.09.2016, modifying the order that the lock and seal can be removed. But however, it shall not be used for public purpose. It can be opened only for rectifying the defect and also obtaining 'No Objection Certificate' from the Fire and Rescue Services as well as the Sanitation Certificate from the Department of Public Health and Preventive Disease.

2. According to the petitioners, because there is a dispute between the petitioners and their brother, a complaint has been lodged.

3. If at all the petitioners are disobeyed the order, the remedy for the de-facto complainant is to file a contempt petition, not to lodge a complaint. It cannot be said that the complaint



cannot be lodged by the de-facto complainant, if there are any violation apart from initiating contempt proceedings.

4. The learned Government Advocate (Crl.side) submitted that the petitioners are not running the business and they have been complying with the order.

5. Taking note of the above said submission, the condition already imposed on the petitioners is modified to the effect that the petitioner shall appear before the respondent police once in a week ie., on every Monday at 10.00 a.m. and also as and when required.

sd/-
07/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL, DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.RAJARAMAN Advocate SR.No.66491

ORDER IN
CRL MP(MD) No.10737 of 2016 IN
CRL OP(MD) No.19382 of 2016
Date :07/11/2016

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SH/GSV-PM/SAR-3:11.11.2016:2P/7C