

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.OP No.28115 of 2011

& M.P.No.1 of 2011

T.Shanmugasundaram

...Petitioner

Vs

1. State by

Revenue Divisional Officer,
Coimbatore.

2. Banumathi @ Rasathi

3. Palanimmal

4. T.Ramakrishnan

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the order passed by the first respondent on 11.11.2011 in Ref.No.M.C.No.132/2011/A1 and set aside the same.

For Petitioner : M/s.R.Chitiraputhiran

For R1 : Mr.R.Ravichandran
Government Advocate (Cr1.)

For R2 : No Appearance

For RR3 & 4 : Mr.S.Saravanan

ORDER

This petition is filed to quash the impugned notice initiated by the first respondent under Section 145 of the Criminal Procedure Code.

2.The cause for initiating the said proceedings is the registration of the case in Crime No.894 of 2011 by the Inspector of Police, Kuniyamuthur Police Station. In the impugned notice, it is stated that due to dispute between two groups, there may be a breach of peace. The impugned notice was issued on 11.11.2011.

3.It is submitted that the petitioner has already instituted a suit in O.S.No.1595 of 2011 before the District Munsif Court, Coimbatore and in I.A.No.2070 of 2011, the Court has granted interim injunction in favour of the petitioner.

4.It is settled law that there cannot be any parallel proceedings and in respect of the same issue, if a civil suit is instituted and the competent civil court has granted interim relief, proceedings under section 145 of the Criminal Procedure Code cannot be permitted to be continued.

5.In view of the above facts, this court is of the opinion, the proceedings are liable to be quashed and accordingly, it is quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Revenue Divisional Officer,
Coimbatore.

2 THE Public Prosecutor,
High Court, Madras.

+1 C.C. to MR.S.Saravanan Advocate SR.NO.64887/17

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SR(CO)

VS 31.10.2017

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