

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Crl.O.P.No.30890 of 2013

and

M.P.No.1 of 2013

- 1.Mani @ Irulappan
- 2.P.P.Thangavel
- 3.Thavasiappan
- 4.Masandi
- 5.Palanichamy
- 6.P.K.Thangavel
- 7.Venkidu @ Venkatasamy
- 8.P.A.Thangavel
- 9.P.A.Mani
- 10.Palani Nadar

...Petitioners/Accused

Versus

- 1.The Sub-Divisional Executive Magistrate
cum Revenue Divisional Officer,
Gobichettipalayam.

- 2.The Inspector of Police,
Nambiyur Police Station,
Erode District.

...Respondents/Complainant

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records relating to the Impugned Proceedings passed in Mu.Mu.No.924/13 A2 dated 18.07.2013 on the file of the first respondent quash the same in so far as it relates to the directions issued by the first respondent herein.

For Petitioners : Mr.K.Govi Ganesan
For Respondents : Mr.T.Shunmugarajeswaran,
Govt. Advocate (Crl.Side)

ORDER

The Revenue Divisional Officer, Gobichettipalayam initiated the proceedings under Section 107 of Cr.P.C against the present petitioners and issued a Show Cause Notice under Section 111 of Criminal Procedure Code on 02.02.2013 vide his proceedings in Na.Ka.No.924/13 A2. After conducting enquiry, he passed an

order in Mu.Mu.No.924 of 2013 dated 18.07.2013 that no offence is made out as against the present petitioners under Section 107 of Cr.P.C.

2. The learned Government Advocate (Crl.Side) appearing for the respondents would contend that based on the report of the Revenue Divisional Officer, Gobichettipalayam, the criminal complaint in Crime No.21 of 2013 of Nambiyur Police Station was closed and all further proceedings were dropped against the petitioners.

3. However, the learned counsel appearing for the petitioners would contend that the Revenue Divisional Officer has exceeded his jurisdiction by observing in his order dated 18.07.2013 that both the parties should approach a Civil Court at Gobichettipalayam with regard to the dispute over the lands in Survey No.270 of Piliampalayam, Nambiyur Village, Gobichettipalayam Taluk. According to him, this portion of the observation made by the Revenue Divisional Officer is beyond the scope of Section 107 of Cr.P.C.

4. It is pertinent to mention that all further proceedings in FIR in Crime Number 21 of 2013 were dropped by the Inspector of Police, Nambiyur Police Station, Erode District based on the report of the Revenue Divisional Officer dated 18.07.2013. Therefore, nothing survives for further adjudication in this case. However, the observation of the Revenue Divisional Officer, Gobichettipalayam that both the parties should approach the Civil Court in order to resolve the dispute over the lands in Survey No.270 is beyond the scope of 107 Cr.P.C and he should not have made such observations in his order dated 18.07.2013.

5. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrr

To

1.The Sub-Divisional Executive Magistrate
cum Revenue Divisional Officer,
Gobichettipalayam.

2.The Inspector of Police,
Nambiyur Police Station,
Erode District.

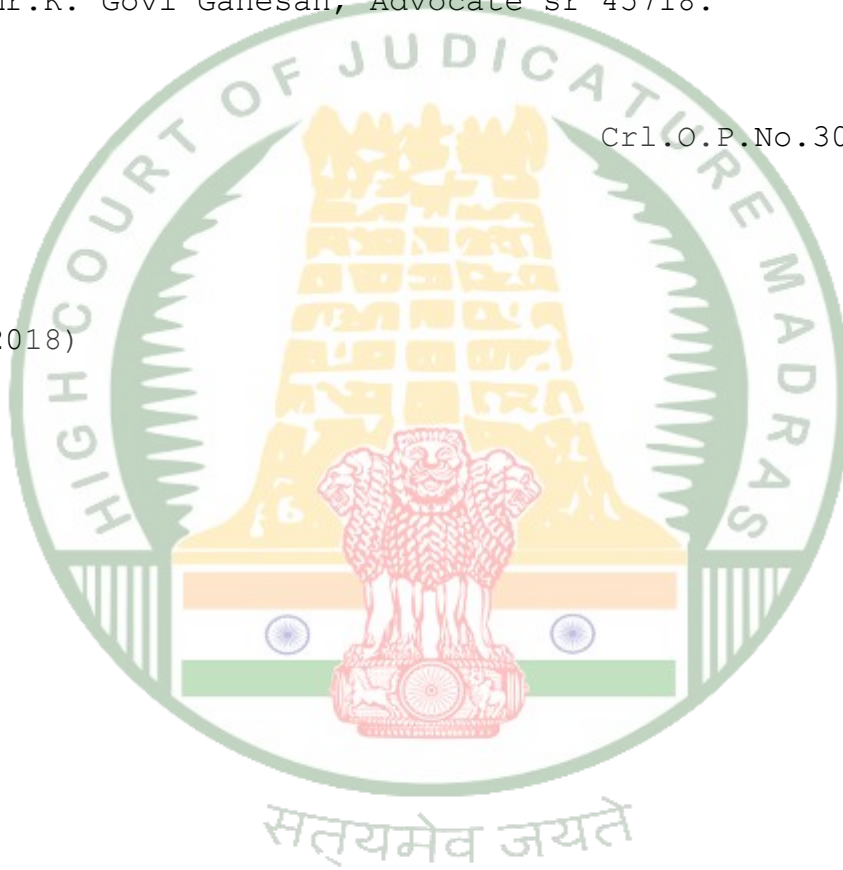
3.The Public Prosecutor,
High Court,
Madras.

4. The Revenue Divisional Officer
Gobichettipalayam.

+1 CC to Mr.K. Govi Ganesan, Advocate sr 45718.

Crl.O.P.No.30890 of 2013

NRL (CO)
SP (01/08/2018)



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