

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.19736 of 2018

and

CRL.M.P.No.10470 of 2018

Ganeshwari,
W/o. Subramaniam,
No.8C, Kambar Street-1,
Gobichettipalayam
Erode District. ... Petitioner

Vs

The Tahsildar-cum-Executive
Magistrate,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District. ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to stay all further proceedings in the proceedings in Na.Ka.No.3542/2018/A1 dated 09.04.2018, the Tahsildar-cum-Executive Magistrate, Gobichettipalayam Taluk, Erode District, pending final disposal of the Quash petition and to call for the records relating to the proceedings in Na.Ka.No.3542/2018/A1 dated 09.04.2018, the Tahsildar-cum-Executive Magistrate, Gobichettipalayam Taluk, Erode District and quash the same.

For Petitioner : M/s. S. Venkatesh
For Respondent : Ms.M. Prabhavathi
Addl. Public Prosecutor

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O R D E R

It appears that there is a civil dispute between 'A' Party to which the petitioner belongs to and 'B' Party headed by one Madheswaran. In this connection, the petitioner has filed O.S.No.182 of 2016 before the District Munsif Court, Gobichettipalayam and the same is pending. While so, in order to avoid the clash between 'A' and 'B' Parties, the provision under Section 107 Cr.P.C. has been initiated by the Respondent. Challenging which, the petitioner is before this Court.

2. Heard learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the respondent.

3. It is seen that the petitioner received only a communication dated 09.04.2018, calling upon 'A' Party and 'B' Party members to appear before the Executive Magistrate and give their explanation. Such communication will not be stayed by this Court. It is open to the petitioner to appear with an advocate of his choice and present his written statement.

4. With the above liberty, this petition is closed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsi/kal

To

1.The Tahsildar-cum-Executive Magistrate,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to M/S.S.Venkatesh, Advocate Sr.55239

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srg 31/08/2018