



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 10.07.2018

DELIVERED ON : 01.08.2018

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CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD) No.797 of 2017

and

Crl.M.P.(MD)No.9668 of 2017

1.Ganesan Nadar

2.Pitchaimani

3.Vijayaraj

4.Kalaiselvan

5.Ashokan

6.Sermadurai

7.Muthuraman

8.Chidambararaj

9.Anantharaj

... Petitioners

vs.

1.The Executive Magistrate cum
Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2.The Inspector of Police,
Maignanapuram Police Station,
Maignanapuram,
Tuticorin District.

3.Periasamy Nadar

... Respondents

Third Respondent impleaded as per order of this
Court made in Crl.M.P.(MD)No.10190 of 2017 in
Crl.R.C.(MD)No.797 of 2017 dated 09.11.2017

Prayer:- Criminal Revision Petition filed under Sections 397 and 401
of the Code of Criminal Procedure, 1973, to call for the records
relating to the order dated 28.07.2017 made in M.C.No.194 of 2017 on
the file of the first respondent and set aside the same.



For Petitioners	: Mr.Ananth C.Rajesh
For Respondents 1 and 2	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl. Side)
For Respondent No.3	: Mr.T.Vadivelan

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ORDER

Heard Mr.Ananth C.Rajesh, learned counsel appearing for the petitioners, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and Mr.T.Vadivelan, learned counsel for the third respondent.

2.This petition has been filed to set aside the order passed by the first respondent in M.C.No.194 of 2017 dated 28.07.2017.

3.The case of the prosecution is that there is a dispute between two groups of people regarding the celebration of temple festival. A case was registered on 08.05.2017 and another case was registered on 11.05.2017 and the second respondent Police has registered a case in Crime Nos.69 and 70 of 2017 under section 107 of Cr.P.C., and referred the matter to the Executive Magistrate cum Revenue Divisional Officer and he issued a notice dated 28.07.2017 and this petition is filed against the said notice.

4.On the side of the petitioners, it is stated that the petitioners are the temple committee member in the village. The petitioners and others maintained the temple as trustee. The third respondent is the Puchari of the temple and he has misappropriated a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) and the petitioners and others lodged a complaint against the third respondent in Crime No.112 of 2017. After enquiry, the third respondent has undertaken to hand over the key to the committee. But the third respondent sent a notice and the petitioners gave a reply to the notice. Except the third respondent, 70 families in the village conducted festival in the temple and the third respondent to escape from the misappropriation case and has sent notice.

5.On the side of the third respondent, it is stated that the third respondent is the hereditary Poosari of the temple. The petitioners interfered in the administration of the third respondent in the year 2017. The petitioners have no right to interfere the pujas conducted by the third respondent.

6.On the side of the prosecution, it is stated that there are two groups fighting with each other regarding the administration of the temple and there are complaints filed against each of the groups. The FIR is registered under Section 107 of Cr.P.C., and the same was referred to the first respondent. The first respondent has issued show cause notice under Section 111 of Cr.P.C, and the same was challenged by the petitioners. It is stated that this stage is very premature and the petitioners have to appear before the Revenue Divisional Officer and they can put forth their case before him and only to keep peace in the locality and to maintain public tranquility the show cause notice was issued.



7. On the side of the petitioners, it is stated that except the third respondent of the committee, all the families in the village has jointly celebrated Pongal festival in the temple. There is no law and order problem. Only false case was given by the third respondent and prayed to set aside the order passed by the first respondent.

8. Records perused. It is seen that two complaints are lodged in which one is against the third respondent and another is against the petitioners and the petition enquiry is pending before the second respondent Police against both the groups and only as a measure to maintain public tranquility, the Revenue Divisional Officer has called for enquiry. The show cause notice was issued under Section 111 of Cr.P.C. Instead of filing petition before the Revenue Divisional Officer, the petitioners have come forward with this petition. The impugned notice is only a show cause notice and not an order. This is a premature stage and the petitioners can put forth their case by filing a petition before the Revenue Divisional Officer. The Criminal Revision Case is dismissed. Consequently, CrI.M.P. (MD) No. 9668 of 2017 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Executive Magistrate cum
Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2. The Inspector of Police,
Maignanapuram Police Station,
Maignanapuram,
Tuticorin District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.T. Vadivelan, Advocate SR.No. 76709

CrI.R.C. (MD) No. 797 of 2017
01.08.2018

mrn

JM/MMS/SAR 3/11.08.2018/3P/5C

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