



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1 OP(MD)No.7589 of 2016
and
Cr1 MP(MD)No.3867 of 2016

Kalpana ... Petitioner

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Musiri, Trichy District.

2.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

3.N.Rajesh Kannan

4.The Principal,
Kalpana Kendriya Academy School,
Thuraiyur-Aathoor Road,
Murugoor Village,
Thuraiyur Taluk, Trichy District.

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Na.Ka.No.3052/2015(A5), dated 14.07.2015 on the file of the Sub Divisional Magistrate cum Revenue Divisional Officer, Musiri, Trichy District and set aside the same.

For Petitioner : Mr.Saravanan

For Respondents : Mr.K.Suyambulinga Bharathi,

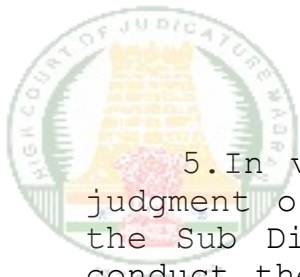
1 & 2

Government Advocate(crl side)

ORDER

This petition has been filed challenging the proceedings of the Sub Divisional Magistrate cum Revenue Divisional Officer, Musiri to initiate proceedings under Section 107 of CrPC.

2.It is seen from records that 'A' party has filed a suit in OSNo.289 of 2014, before the District Munsif Court, Thuraiyur with regard to the very same property as against 'B' party and the suit has been decreed by the judgment and decree dated 23.04.2015. By virtue of the decree permanent injunction has been granted in favour of 'A' party. Subsequently, this decree was also been confirmed in the appeal filed by the 'B' party, wherein the appeal was dismissed.



5. In view of this development, 'B' party will be bound by the judgment of the Civil Court and therefore, there is no question of the Sub Divisional Magistrate getting into this issue in order to conduct the proceedings under Section 145 of CrPC. The judgment and decree of the civil Court will also bind the proceedings under Section 145 of CrPC.

6. In view of the above discussion, the criminal original petition is allowed and the proceedings in Na.Ka.No.3052/2015(A5), dated 14.07.2015 on the file of the Sub Divisional Magistrate cum Revenue Divisional Officer, Musiri, Trichy District is set aside. Consequently, Cr1OP(MD)No.3867 of 2016 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

dsk

To

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Musiri, Trichy District.
2. The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Saravanan, Advocate in SR No.83761

Cr1 OP(MD)No.7589 of 2016

NM/SV/SAR III/17.10.18/2P/5C