

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11017 of 2013 and
Crl.M.P.No.1 of 2013

K.Mannar

... Petitioner/A Party

Versus

1.The Sub Divisional Executive Magistrate,
and Revenue Divisional Officer,
Ranipet, Vellore District.

2.The Sub Inspector of Police,
Arcot Town Police Station,
Arcot, Vellore District. ... RR1 & 2/Complainant

3.Anbalagan

4.Smt.Sarala ... RR3 & 4/B Party/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order in Miscellaneous Register Case No.4 of 2012 dated 04.10.2012 on the file of the 1st respondent quash the same.

For Petitioner : No Appearance

For Respondents: Mr.Hari Hara Arun Somasankar
Government Advocate [Crl. Side]
For RR1 & 2

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the order in Miscellaneous Register Case No.4 of 2012 dated 04.10.2012 on the file of the 1st respondent and to quash the same.

2.When the matter is taken up on 28.02.2019, there was no representation for the petitioners. Hence, the matter was directed to be posted under the caption "for dismissal" on 08.03.2019. Even today i.e., on 08.03.2019, there is no

representation on behalf of the petitioner either in person or by their counsel.

3. There is a pathway dispute pending between the petitioner and the respondent Nos.3 & 4. In this regard, the respondent Police have registered a case in Crime No.898 of 2012, dated 10.09.2012, as per Section 107 of Cr.P.C. Subsequently, the case was transferred to the 1st respondent/The Sub Divisional Executive Magistrate, and Revenue Divisional Officer, Ranipet, Vellore District for further proceedings. On 04.10.2012, the 1st respondent had passed the order in Miscellaneous Register Case No.4 of 2012, in which the petitioner and the respondent Nos.3 & 4 are arrayed as 'A' and 'B' Party and directed them to submit a bond worth of Rs.1,000/- (Rupees one thousand only) for a period of one year with an undertaking to maintain public peace and also directed them to furnish surety bond. Against which the present petition is filed.

4. The learned Government Advocate [Crl.Side] submits that this case has been filed in the year 2012 and the same is pending. The petitioners have created a public nuisance and tranquility, which necessitated filing of the case against 'A' and 'B' Party for maintaining peace and harmony. It is also fairly submitted by the learned Government Advocate that no other cases of similar nature has been registered against them.

5. It is seen from the records that the case is of the year 2012 and under Section 107 Cr.P.C., it is a show cause notice for breach of peace or disturbance of Public tranquility, a bond under Section 111 of Cr.P.C and violation of the same order to be made under Section 117 of Cr.P.C. Further as per Section 468 of Cr.P.C., the case would be barred by limitation.

6. On considering the facts of the case and the legal bar in further proceeding with this case, the proceedings in Miscellaneous Register Case No.4 of 2012 dated 04.10.2012 on the file of the 1st respondent is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

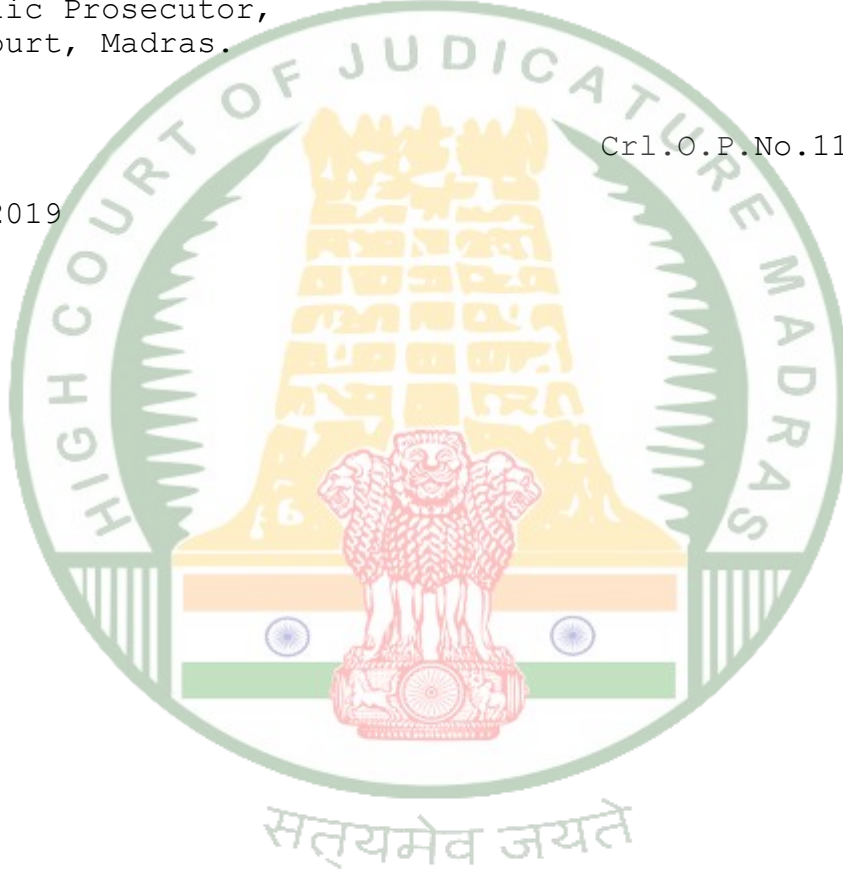
vv2

To

- 1.The Sub Divisional Executive Magistrate,
and Revenue Divisional Officer,
Ranipet, Vellore District.
- 2.The Sub Inspector of Police,
Arcot Town Police Station,
Arcot, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.11017 of 2013

nr 26/06/2019



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