

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.32319 of 2013

and

M.P. No.1 of 2013

Mr. A. Subramani ... Petitioner

Versus

1. The Inspector of Police,
Karamadai Police Station,
Mettupalayam, Coimbatore
2. The Revenue Divisional Officer,
Executive Magistrate,
Coimbatore.
3. S. Lawrance Durai ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in M.C. No.35/2013 pending on the file of the Second respondent/Magistrate/Revenue Divisional Officer.

For Petitioner : S. Karthikeibalan

For Respondents 1 & 2 : Hari Haran Arum Somasankar
(Government Advocate (Crl. Side))

: M/s.S.Subhiah for R3

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in M.C. No.45/2013 pending on the file of the Second respondent/Revenue Divisional Officer.

2. According to the petitioner, the petitioner is one of the "A" Party and the third respondent is one of the "B" party as per the notice under Section 145 of Criminal Procedure Code, in M.C. No.45 of 2003 dated 15.04.2013 issued by the second

respondent/Revenue Divisional Officer. Since both parties are involved in dispute of the same property situated at Old No1/6, New No.6/1, Teachers Colony, Karamadai, Coimbatore, the first respondent/Karamadai Police Station has registered an F.I.R. No.108/2013 dated 14.04.2013. On the basis of the afore-said F.I.R, both parties were called upon to appear before the second respondent/The Revenue Divisional Officer for enquiry along with their supportive documents.

3. On receipt of the afore-said notice issued by the second respondent/the Revenue Divisional Officer, the petitioner herein has approached this Court by filing the present Criminal Original petition to call for the records and quash the proceedings in M.C.No.45/2013 on the ground that O.S.No.225 of 2012, which has been filed by the third respondent, was ordered in favour of the petitioner herein for enjoyment and possession of the afore-said suit property in question.

4. According to the Government Advocate, the third respondent has entered into the afore-said suit property in question with henchmen. On the basis of the complaint of the petitioner, F.I.R. was registered. The third respondent has filed O.S.No.225 of 2012 before the District Munsif Court, Mettupalayam. Pending suit, he filed I.A.No.517 of 2012 in O.S.No.225 of 2012 for interim injunction restraining the petitioner herein from interfering with the possession of the suit property in question. The same was dismissed by the District Munsif Court, Mettupalayam.

5. The learned Government Advocate would further submit that Crime No.108 of 2013 has been closed by the first respondent/Karamadai Police Station as mistake of fact. In view of the above, there is no matter to adjudicate in this regard. Further both parties are advised to approach appropriate forum i.e. Civil Court to redress their grievance.

In view of the above, the criminal original petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

lbm

To

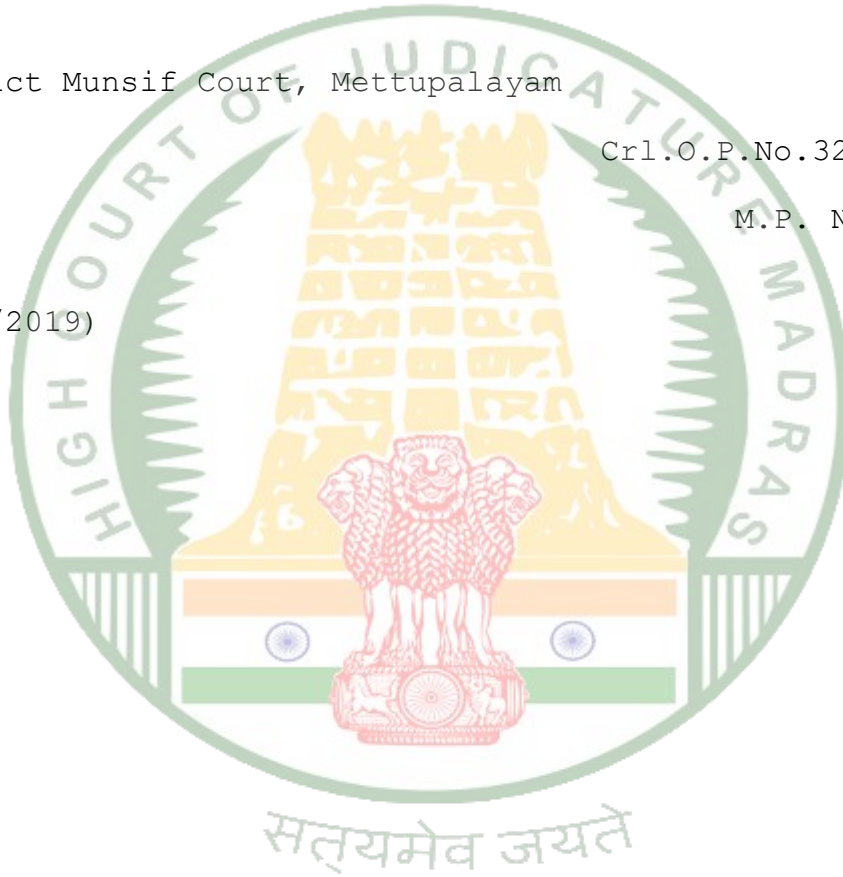
1. The Inspector of Police,
Karamadai Police Station,
Mettupalayam, Coimbatore
2. The Revenue Divisional Officer,
Executive Magistrate, Coimbatore.
3. The Special Public Prosecutor,
High Court, Madras - 104

Copy To

The District Munsif Court, Mettupalayam

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GMV (20/03/2019)



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