

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.No.1261 of 2014

1.M.Selvam

2.S.Arun

3.S.Sasikala

.. Petitioners

Vs.

1.G.Parvathy Ammal

2. G.Selvaraj

3. G.Mani

4.G.Ganapathy

5.M.Ravi

6.The Inspector of Police
R-11 Police Station
Royala Nagar, Chennai

7. The Sub-Divisional Magistrate
Revenue Divisional Officer
Ambattur

8. The Tahsildar
Maduravoil

9.The Tahsildar
Ambattur

.. Respondents

Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C to call for the records pertaining to the impugned order dated 13.10.2014 passed by the 7th respondent in Na.Ka.No.1457/2014/A1 served on the petitioner on 29.11.2014 and set aside the same.

For Petitioner : Mr.S.V.Jayaraman
Senior counsel
for Mr.P.Srinivasan

For Respondents : Mr.G.Ramar
Government Advocate

ORDER

This Criminal Revision has been preferred challenging the order passed by the 7th respondent in Na.Ka.No.1457/2014/A1 dated 13.10.2014.

2.The subject matter of the dispute in this case is a land measuring 9794 sq.ft comprised in Plot Nos.10-18 in Ramapuram Village in S.No.76/4A. This property belongs to G.Parvathy Ammal and family. It is the case of Selvam that he entered into a sale agreement with one M.Ravi in respect of the said property. Selvam filed O.S.No.188 of 2009 in the District Court, Tiruvallur for specific performance of the contract and declaration against M.Ravi and Parvathy Ammal Group. It appears that the defendants have filed a petition

for rejection of plaint under Order VII Rule 11 CPC in I.A.No.1046 of 2011 in O.S.No.188 of 2009, which was allowed by the trial Court on 26.07.2012. Challenging the order, Selvam group has filed A.S.No.1069 of 2012 and the same is pending on the file of this Court. Thereafter, it appears that law and order problem arose between Selvam group and Parvathy Ammal Group, pursuant to which on the report filed by the jurisdictional police, proceedings under Section 145 Cr.P.C were initiated by the Revenue Divisional Officer, Ambattur in Na.Ka.No.1457/2014/A1, which culminated in passing of the impugned order on 13.10.2014 against Selvam group. Challenging the same, Selvam group has filed the present revision.

3. Heard Mr.S.V.Jayaraman, learned senior counsel representing the counsel on record for the petitioners and Mr.G.Ramar, learned Government Advocate (Crl.side) appearing on behalf of Respondents 6 to 9.

4. A proceedings under Section 145 Cr.P.C is initiated to ensure that there is no breach of peace. There was alleged breach of peace in the year 2014 and we are in the year 2019. The parties are also litigating before the Civil Court. That apart, any finding on title by the Executive Magistrate in a proceedings under Section 145 Cr.P.C will not have a binding effect. The

question of title has to be decided based on the evidence adduced before the Civil Court.

5. Hence, this criminal revision petition is closed. If there is any fresh breach of peace, it is always open to the police to take appropriate criminal action in accordance with law.

25.10.2019

Speaking Order: Yes/No
Index: Yes/No
gpa

To

- 1.The Inspector of Police
R-11 Police Station
Royala Nagar, Chennai
2. The Sub-Divisional Magistrate
Revenue Divisional Officer
Ambattur
3. The Tahsildar
Maduravoil
- 4.The Tahsildar
Ambattur
- 5.The Public Prosecutor,
High Court, Madras - 600 104.



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P.N.PRAKASH J.,

gpa



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