



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P. (MD)No.277 of 2016

and

Cr1.M.P. (MD)Nos.135 & 136 of 2016

1. D.Baskar
2. D.Sankar
3. M.Dharmaraj
4. N.Elangovan ... Petitioners/'A' Party

Vs.

1. The Sub-Divisional Magistrate Cum Revenue
Divisional Officer,
Thanjavur District. ... 1st Respondent
2. The Inspector of Police,
Taluk Police Station,
Thanjavur District. ... 2nd Respondent/ complainant
3. R.Muthukumaran
4. R.Ananthan ... Respondents 3& 4/ 'B' party

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings dated 07.12.2015 in Na.Ka.No.7289-2015/A3 (M.C.No.11 of 2015) on the file of the Sub-Divisional Magistrate Cum Revenue Divisional Officer, Thanjavur District and quash the same.

For Petitioners : M/s.G.Karnan

For R1 & R2 : Mr.A.Anandaraj
Additional Government Pleader

ORDER

This petition has been filed as against the proceedings initiated by the Sub-Divisional Magistrate Cum Revenue Divisional Officer, Thanjavur District in M.C.No.11 of 2015 in Na.Ka.No.7289-2015/A3.

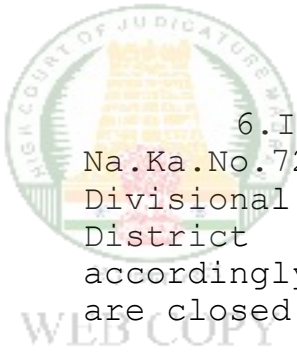
2. The first respondent/the Sub-Divisional Magistrate Cum Revenue Divisional Officer, Thanjavur District by his proceedings dated 07.12.2015 has called upon the petitioners as well as the respondents 3 & 4 to appear before him as required u/s 147 (1) Cr.P.C to maintain law and order, based on the First Information Report in Crime No.505 of 2015 filed by the second respondent police under Section 145 Cr.P.C dated 21.11.2015. This proceedings was issued in the year 2015 and according to the petitioners, they have already approached the Civil Court to settle their disputes. While so, the second respondent police is not competent to investigate the civil dispute and register a case.

3. The learned counsel for the petitioners has also relied upon the decision of this Court in the case of **K.Pounrajan Vs The Collector, Chennai District** reported in **(2004) M.L.J. (Cr1.) 55**, wherein, this Court has held as follows:

" 15. At the outset the big question that would arise in the mind of everyone is 'whether the police could register a case under Sec.145 Cr.P.C as it comes to be seen in the registering of the case in Cr.No.1055 of 2002 by K-10 Koyambedu Police'? A complaint could be given by the aggrieved party and the case could be registered only under the specific provisions of the criminal law for commission of certain specific offences and this Court wonders how a case under Sec. 145 Cr.P.C could be registered by the police wherein nowhere it is provided under law for a case to be registered under Sec.145 Cr.P.C by the police."

4. The learned counsel for the respondents 3 & 4 has also submitted that civil suits have also been filed among the parties in O.S.No.198 of 2009 and O.S.No.357 of 2009 before the District Munsif Court, Thanjavur in the year 2009 itself, as such, the initiation of the impugned proceedings in the year 2015 is not warranted.

5. Considering the facts and circumstance of the case, the decision of this Court in **(2004 MLJ (Cr1) 55** (cited supra) taking note of the passage of time since the impugned proceedings for maintaining peace has been instituted in the year 2015, this Court feels that there is no necessity to proceed with the proceedings dated 07.12.2015 in Na.Ka.No.7289-2015/A3 (M.C.No.11 of 2015) on the ~~filed~~ Sub Divisional Magistrate cum Revenue Divisional Officer, Thanjavur District.



6. In the result, the proceedings dated 07.12.2015 in Na.Ka.No.7289-2015/A3 (M.C.No.11 of 2015) on the file for the Sub Divisional Magistrate cum Revenue Divisional Officer, Thanjavur District is quashed and this Criminal Original Petition is accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

Dss

To

1. The Sub-Divisional Magistrate Cum Revenue
Divisional Officer,
Thanjavur District.

2. The Inspector of Police,
Taluk Police Station,
Thanjavur District.

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

+1 CC to M/s.G.KARNAN, Advocate (SR-54446[F] dated 15/03/2019)

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ES/07.06.2019/3P/5C