



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO. 622 OF 2015

AND

M.P. (MD) NO. 1 OF 2015

N.Masanam Pillai

.. Petitioner

- Vs -

1.Krishnan

2.K.K.Gurusamy

3. The Sub Divisional Magistrate
and Revenue Divisional Officer
Usilampatti, Madurai District.

4. The Inspector of Police
Periyur Police Station
Peraliyoor, Madurai District.
(Crime No.104/2015)

.. Respondents

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, calling for the records relating to the order dated 7.12.15 made in ROC No.1977/2015/B4 on the file of the Sub Divisional Magistrate & Revenue Divisional Officer, Usilampatti, Madurai District and set aside the same.

For Petitioner : Mr. R.Suriyanarayanan

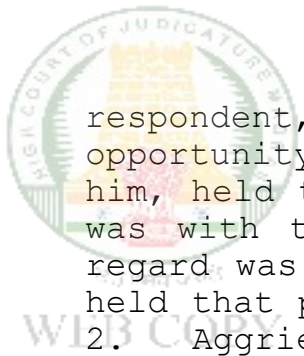
For Respondents : Mr. P.Ganapathi Subramaniam for RR-1 & 2

Ms. M.Anantha Devi, GA (Crl. Side)
for RR-3 & 4

ORDER

The present revision has been filed against the order dated 7.12.15 made in ROC No.1977/2015/B4 on the file of the Sub Divisional Magistrate & Revenue Divisional Officer, Usilampatti, Madurai District and set aside the same.

2. In respect of dispute relating to property, which arose between two different parties, who are petitioner and respondents 1 and 2 to the *lis*, criminal complaint was lodged, which ultimately landed before the 3rd respondent/Sub Divisional Magistrate. The 3rd



respondent, after notice to the parties and giving them an opportunity of hearing, on the basis of the materials placed before him, held that the possession of the property, as on the said date, was with the respondents 1 and 2 and since a civil suit in this regard was pending before the civil court, declined the relief and held that possession of the property was with the respondents 1 and 2. Aggrieved by the said order, the present revision has been filed.

3. The contentions, as was raised before the 3rd respondent, has been reiterated in the grounds raised in support of the petition and the learned counsel appearing for the petitioner also advanced his contentions in line with the grounds raised in the petition.

4. This Court heard the learned counsel appearing for respondents 1 and 2 and the learned Government Advocate (Crl. Side) appearing for respondents 3 and 4 on the above contentions and perused the materials available on record.

5. The materials available on record reveals that the petitioner himself has gone before the civil court and filed suit for declaration and recovery of possession. That being the case, it is categorically clear that the petitioner is not in possession of the property. The 3rd respondent has correctly appreciated the said position and held that possession of the property was with respondents 1 and 2 and, therefore, ordered that possession shall remain with respondents 1 and 2 till they are ousted by due process of law. This Court does not find any infirmity in the conclusion reached by the 3rd respondent and this Court also finds nothing wrong with the reasons adduced, which forms the basis of the conclusion reached by the 3rd respondent and, therefore, the order passed by the 3rd respondent deserves to be sustained.

6. Accordingly, for the reasons aforesaid, this revision, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, it is made clear that the civil court shall not be influenced with any of the findings rendered by the 3rd respondent with regard to the title of the property while adjudicating the rights of the parties in the suit pending before it.

Sd/-

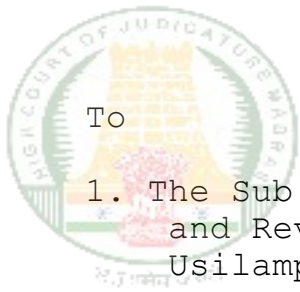
Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

GLN

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Sub Divisional Magistrate
and Revenue Divisional Officer
Usilampatti, Madurai District.

2. The Inspector of Police
Peraiyur Police Station
Peraiyoor, Madurai District.

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

Copy to: The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate SR-93844.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate SR-94032.

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