



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.10260 of 2017

and

Crl.M.P. (MD) No.7008 of 2017

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- 1) Kathamuthu
- 2) Kavitha
- 3) Kumar

...Petitioner/ B Party

vs.

- 1) The Sub Divisional
Judicial Magistrate-cum-Revenue
Divisional Officer, Pattukottai.

- 2) The Inspector of Police,
Madukkur Police Station,
Pattukottai, Thanjavur District.

... RR 1 & 2/ Complainants

- 3) Peramaiyan
- 4) Periyasamy
- 5) Abdul Kareem

... RR 3-5/ A-party

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned proceedings of 1st respondent in M.C.N26/2017/A-3 dated 25.06.2017, quash the same.

For Petitioner: Mr.V.S.Kumaraguru

For R-1 : Mr.M.Rajarajan,
Government Advocate

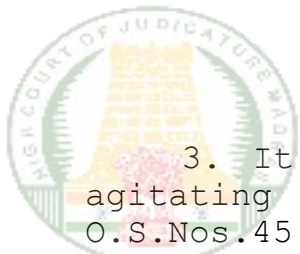
For R-2 : Mr.M.Chandrasekaran,
Additional Public Prosecutor

For RR3-5 : Mr.D.R.Murugesan

O R D E R

This Criminal Original Petition has been filed challenging the proceedings that has been initiated by the first respondent under Section 145 of Cr.P.C.

2. Heard the learned counsel for the petitioners, the learned Government Advocate appearing for the first respondent, learned Additional Public Prosecutor appearing on behalf of the 2nd respondent and the learned counsel appearing on behalf of the Respondents 3 to 5.



3. It is seen from the records that already the parties are agitating their rights in two civil suits that are pending in O.S.Nos.45 of 2017 & 108 of 2017, both pending on the file of Principal District and Sessions Court, Thanjavur.

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4. At this length of time, no useful purpose would be served by continuing the proceedings under Section 145 of Cr.P.C. before the first respondent. The first respondent cannot go into the civil rights of the parties and it can only be tried by the competent Civil Court. The proceedings were initiated in the year 2017 and at this length of time, the proceedings cannot continue on the ground of likelihood of breach of peace.

5. In view of the above, the proceedings initiated under Section 145 of Cr.P.C. by the first respondent in M.C.N26/2017/A-3 dated 25.06.2017, is hereby quashed and it is left open to the parties to agitate their rights in the pending suit and work out their remedy in accordance with law. Accordingly, the Criminal original petition is allowed. Consequently, connected CrI.M.P.(MD) No.7008 of 2017 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1) The Sub Divisional
Judicial Magistrate-cum-Revenue
Divisional Officer, Pattukottai.
- 2) The Inspector of Police,
Madukkur Police Station,
Pattukottai, Thanjavur District.
- 3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.V.S.KUMARAGURU, Advocate (SR-101685[F]
dated 27/11/2019)

Order made in
CrI.O.P. (MD) .No.10260 of 2017
26.11.2019