

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.1590 OF 2013

AND

MP.NO.1 OF 2013

1.Karunakaran
2.Vasanthy
3.Jothi Senthil KannanPetitioners/B party

Versus

1. State Rep.By
Station House Officer,
Kirumambakkam Police Station,
Puducherry. 1st Respondent/
Complainant

2.Pandurangan

3.AnoussouyammaleRespondents 2 and 3/
A party.

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to pass an order calling for the entire records pertaining to proceeding initiated in M.C.No.659 of 2012 under section 145 Cr.P.C. FIR No.25 of 2012 dated 31.12.2012 on the file of the Learned Sub Divisional Magistrate (South) at Villianur Puducherry and quash the same.

For Petitioner : Mr.Natarajan

For Respondents: Mr.D.Bharatha Chakravarthy
Public Prosecutor, Pondy for R1

: Mr.T.M.Naveen for R2 and R3

ORDER

1.This Criminal Original Petition has been filed by the Petitioner, praying to pass an order calling for the entire records pertaining to proceeding initiated in M.C.No.659 of 2012 under section 145 Cr.P.C. FIR No.25 of 2012 dated 31.12.2012 on the file of the Learned Sub Divisional Magistrate

(South) at Villianur Puducherry and quash the same.

- 2.Mr. Natarajan, learned counsel appearing for the petitioner would submit that the petitioner has filed this petition challenging Section 145 Cr.P.C. proceedings initiated by the learned Sub Divisional Magistrate (South) at Villianur in F.I.R. No.25 of 2012 in M.C.No.659 of 2012 and though the 145 Cr.P.C. proceedings were initiated as long as in the year 2013 and even after lapse of 7 years, the authority is taking coercive steps. Therefore, he prayed to allow this petition and there are several civil disputes are pending between the parties before the different forums .and without considering the civil dispute pending before the competent forums, the Revenue Sub Divisional Magistrate initiated 145 Cr.P.C. proceedings, which cannot be sustained.
- 3.Mr.D.Bharatha Chakravarthy, learned Public Prosecutor (Pondy) appearing for first respondent did not dispute the fact that the matter pertains to a civil dispute pending before the different competent forums between the parties and the respondent has no interest to continue the said 145 Cr.P.C. proceedings further that too after a lapse of 7 years.
- 4.Mr. T.M.Naveen, learned counsel appearing for second and third respondents reported no instructions from his clients.
- 5.Recording the statement of the learned Public Prosecutor (Pondy.), the impugned 145 Cr.P.C. proceedings dated 31.12.2012 initiated by the Sub Divisional Magistrate (South), Villianur will have no force and accordingly, this Criminal Original Petition is closed since there is nothing survives in this matter for adjudication. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Station House Officer,
Kirumambakkam Police Station,
Puducherry.

2. The Sub Divisions Magistrate (South)
Vallianur, Pondy

3. The Public Prosecutor,
Pondicherry.

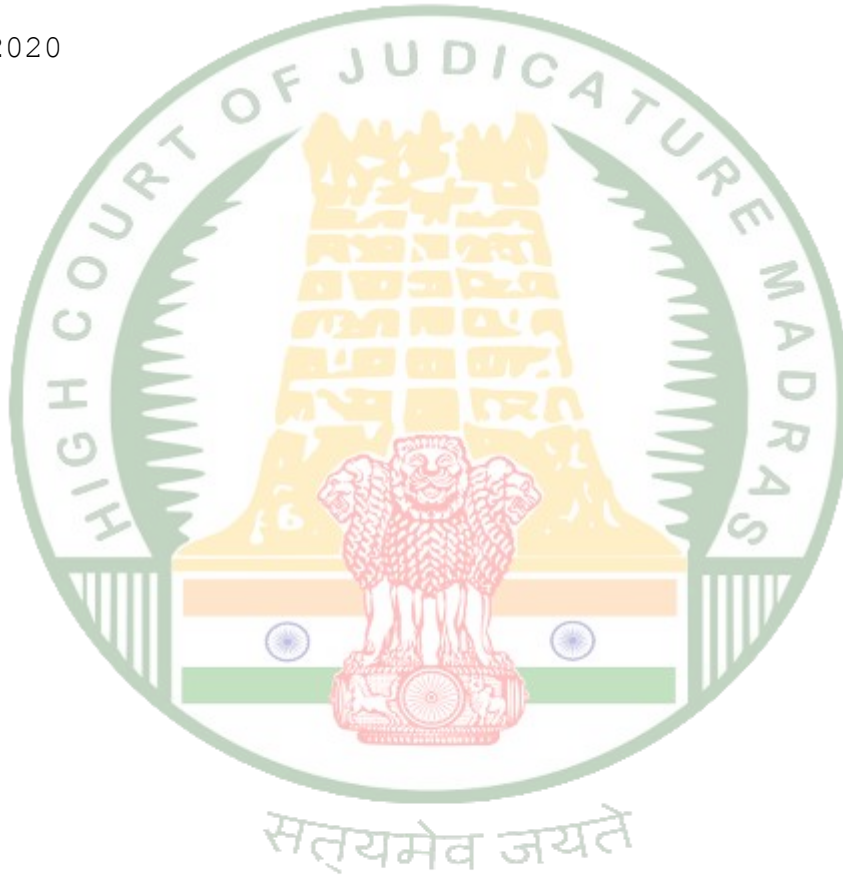
+1cc to Mr.Natarajan, Advocate, S.R.No.274

+1cc to Mr.K.P.Jotheeswaran, Advocate, S.R.No.798

+1cc to the Public Prosecutor, S.R.No.911

CrI.O.P.No.1590 of 2013

BR(CO)
CS/18/02/2020



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