

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.17211 of 2015
and M.P.No.1 of 2015

Varadharajan,
S/o.Venkataperumal,
16, Ramasamy Koil Street,
T.P.Pattinam,
Karaikal.

..Petitioner

Vs.

1.K.Janagammal,
W/o.Varadharajan,
16, Ramasamy Koil Street,
T.P.Pattinam,
Karaikal.

2.The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal.

(R2 is Suo moto impleaded as for order of this court dated
08.12.2020)

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in order dated 04.05.2015 passed in
M.C.No.23 of 2015 on the file of the Sub-Divisional Magistrate,
Karaikal and quash the same.

For Petitioner : Mr.S.Sounthar

For R1 : No appearance

For R2 : Mr.D.Bharathachakravathy

Public Prosecutor
(Puducherry)

O R D E R

This criminal original petition has been filed seeking to
call for the records in order dated 04.05.2015 passed in
M.C.No.23 of 2015 on the file of the Sub-Divisional Magistrate,
Karaikal and quash the same.

2. Heard Mr.S.Sounthar, learned counsel for the
petitioner. Notice has been served on the first respondent, but,
none has entered appearance and hence, the name of the first
respondent is printed in the cause list. This Court, by order
dated 08.12.2020, impleaded the Inspector of Police,

T.R.Pattinam Police Station, Karaikal, as the second respondent and issued notice to the Public Prosecutor (Puducherry).

3. Mr.D.Bharathachakravathy, learned Public Prosecutor (Puducherry) appearing for the second respondent/State submitted that the land in door no.16, Ramaswamy Koil Street, T.R.Pattinam, belongs to Ramaswamy Temple in T.R.Pattinam, on which, a thatched hut was put up; Varadharajan and Janagammal got married some time in the year 1983 and post-marriage, they had several disputes, which ultimately culminated in divorce in the year 2016; while Janagammal was attempting to put pakka construction in door no.16, Ramaswamy Koil Street, T.R.Pattinam, a dispute arose between them; on this dispute, the Sub-Divisional Magistrate, Karaikal, has initiated a proceedings under Sections 147 and 145 Cr.P.C. and has issued the impugned notice. He further submitted that a civil suit is pending between Varadharajan and Janagammal in the local Court.

4. In the opinion of this Court, this criminal original petition deserves to be allowed on the short ground that the dispute was essentially between two individuals and there is no material to show that there is threat to public order. That apart, a civil suit is also pending between the parties in the local Court and therefore, it is left open to them to work out their remedies before the civil forum. However, the pendency of the civil suit will not be a bar for the Ramaswamy Temple to take over the property in accordance with law.

In the result, this criminal original petition is allowed and the proceedings in M.C.No.23 of 2015 on the file of the Sub-Divisional Magistrate, Karaikal, is hereby quashed. Connected M.P. is closed.

Sd/-

Assistant Registrar(CJ CONFERENCE)

//True Copy//

nsd

To

1.The Sub-Divisional Magistrate,
Karaikal.

2.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

3.The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal.

Sub Assistant Registrar

Cr1.O.P.No.17211 of 2015

MJB(CO)

rv(21/01/2021)