



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6077 of 2020 and
WMP.Nos.7139 & 7140 of 2020

1.N.Karpagavalli
2.N.Karunamurthy
3.N.Yuvaraj
4.N.Gunasekar

.. Petitioners

Vs.

1.The Revenue Divisional Officer,
Tondiarpet Revenue Division,
Tondiarpet,
Chennai-600 081
2.The Tahsildar,
Thiruvottiyur Taluk Office,
Thiruvottiyur,
Chennai 600 019
3.The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai-600 057
4.P.Rajasekaran

.. Respondents

Prayer :

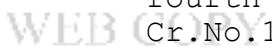
Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the first respondent, in his proceedings Na.Ka.No.A1/494/2020 dated 21.02.2020 and quash the same as arbitrary, ultravires and illegal and consequently direct the third respondent to discharge his duty on the complaint of the first petitioner dated 14.02.2020 in accordance with law.

For Petitioners : Mr.R.Munuswamy

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

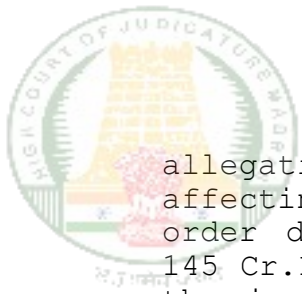
This writ petition has been filed challenging the order dated 21.02.2020 passed by the first respondent, thereby directing the second respondent to furnish report after



2. On the complaint lodged by one, Rajasekaran / the fourth respondent, the third respondent registered a case in Cr.No.109 of 2019 under Section 145 Cr.P.C. and sent the FIR to the first respondent to initiate proceedings under Section 145 Cr.P.C. On receipt of the same, the first respondent called for the report after inspecting the place of occurrence along with plan by the impugned order dated 21.02.2020.

4. The learned Additional Public Prosecutor submits that it is only a typographical error, and instead of Cr.109 of 2020, the first respondent mentioned as Cr.109 of 2019. He also produced the FIR registered in Cr.No.109 of 2020 on the complaint lodged by the fourth respondent with certain allegations. On receipt of the same, the third respondent registered the case under Section 145 Cr.P.C. and sent to the first respondent for initiation of proceedings under Section 145 Cr.P.C. On receipt of the same, the first respondent wrongly typed the crime No. as 109 of 2019 instead of 109 of 2020. The said impugned communication is intra communication between the first respondent and the second respondent and it is nothing to do with the petitioner.

5. On perusal of the impugned order, it was issued by the first respondent to the second respondent to conduct enquiry after visiting the place of occurrence and submit report along with plan to initiate proceedings under Section 145 Cr.P.C. Since the complaint was lodged by the fourth respondent against the petitioners, a copy has been marked to the petitioners as well as the fourth respondent herein. Therefore, under the impugned order there is absolutely no grievance to the petitioners and not even initiated any proceedings under Section 145 Cr.P.C. as alleged by the petitioners herein. That apart, the crime No. was wrongly typed as 109 of 2019 instead of 109 of 2020. On perusal of FIR registered in Cr.No.109 of 2020, it has been registered on the complaint lodged by the fourth respondent with certain



allegations. Therefore, the impugned order is no way affecting the rights of the petitioners, and the impugned order does not mean initiation of proceedings under Section 145 Cr.P.C. as such the petitioners are no way prejudiced with the impugned order, since it is only an intra communication between the first respondent and the second respondent, thereby the first respondent called upon the second respondent to conduct enquiry and submit report after inspecting the place of occurrence.

6. In view of the above discussion, this Court does not find any merit in this petition. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Tondiarpet Revenue Division,
Tondiarpet,
Chennai-600 081

2.The Tahsildar,
Thiruvottiyur Taluk Office,
Thiruvottiyur,
Chennai 600 019

3.The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai-600 057

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Munuswamy, Advocate SR.21559

W.P.No.6077 of 2020

GMR(CO)
CB(02/07/2020)