

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 17.02.2020  
CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.27191 of 2014  
and M.P.No.1 of 2014

1.Kadavul,  
2.Sundararajan,  
3.Ilayaraja,  
4.Duraiaraj,  
5.Chinnadurai,  
6.Viruthambal.

... Petitioners

-vs-

1.The Revenue Divisional Officer,  
Perambalur,  
Perambalur District.

2.State rep. by  
Inspector of Police,  
Mangalamedu Police Station,  
Mangalamdeu,  
Kunnam Taluk,  
Perambalur District.  
(Crime No.284 of 2014)

3.Rajendran,  
4.Kathirkaman,  
5.Sengamuthu,  
6.Vareeswaran,  
7.Krishnamurthy,  
8.Selvi.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings initiated by the impugned notice dated .09.2014 bearing Ref.No.Na.Ka.A3/4364/2014 by the 1<sup>st</sup> respondent herein in Crime No.284 of 2014 on the file of the 2<sup>nd</sup> respondent.

For Petitioners : Mr.L.Poovendra Perumal  
for M/s.Sai & Bharath

For Respondents : Mr.R.Ravichandran for R1 & R2.  
Government Advocate (Crl.side)

Mr.R.Selvakumar for R3 to R8.

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## O R D E R

The 2<sup>nd</sup> respondent registered a case in Crime No.223 of 2014, based on the complaint lodged by the 6<sup>th</sup> petitioner herein against the respondents 3 to 8 herein, for the offences under Sections 147, 447, 294(B), 354 and 506(i) of IPC. After registering the complaint, the 2<sup>nd</sup> respondent Police referred the matter to the 1<sup>st</sup> respondent to initiate proceedings under Section 145 Cr.P.C. The 1<sup>st</sup> respondent issued notice under Section 145 Cr.P.C., to the petitioners to appear before him. Aggrieved by the said notice, the petitioners have filed the present petition invoking Section 482 Cr.P.C., to quash the notice issued by the 1<sup>st</sup> respondent.

2.The learned counsel for the petitioners submitted that already the 6<sup>th</sup> petitioner has filed a suit for declaration and partition in O.S.No.133 of 2004 before the learned District Munsif, Perambalur, and also obtained a decree in her favour. Therefore, there is no basis in the complaint lodged against the petitioners. The learned counsel further submitted that the 2<sup>nd</sup> respondent cannot issue notice under Section 145 Cr.P.C., based on the report of the Police. Therefore, the notice under Section 145 Cr.P.C., has to be quashed. The learned counsel further relied upon a judgment reported in 1985 (1) SCC 427 in the case of Ram Sumer Puri Mahant Vs.State of U.P. And others.

3.The learned Government (Crl.side) appearing for the respondents 1 and 2 submitted that there is a complaint in Crime No.223 of 2014 against the respondents 3 to 8 and a counter complaint in Crime No.282 of 2014 against these petitioners. He further submitted that both the parties have filed civil suit before the same Court, Viz., the District Munsif, Perambalur. Therefore, the 2<sup>nd</sup> respondent referred the matter to the 1<sup>st</sup> respondent to initiate proceedings under Section 145 Cr.P.C. The petitioners instead of appearing before the 2<sup>nd</sup> respondent, have filed the present petition. Therefore, the petition is liable to be dismissed.

4.Heard the learned counsels on either side and perused the records.

5.On a perusal of the impugned notice, based on the complaint given by the 6<sup>th</sup> petitioner, a case was registered. Thereafter, based on the report given by the 2<sup>nd</sup> respondent Police, the 1<sup>st</sup> respondent issued notice under Section 145 Cr.P.C., directing the petitioners to appear before him and give the details. It is for the petitioners to appear before the 1<sup>st</sup>

respondent and give the details and explanations. Further, on reading of the judgement cited supra, the facts and circumstances of the case is entirely different from that of the present case on hand. Therefore, this Court does not find any merits to quash the impugned notice issued by the 1<sup>st</sup> respondent.

6. Accordingly, this Criminal Original Petition is dismissed. The petitioners are directed to appear before the 1<sup>st</sup> respondent and give their explanations. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Revenue Divisional Officer,  
Perambalur,  
Perambalur Dist.

2. The Public Prosecutor,  
High Court, Madras.

3. The Inspector of Police,  
Mangalamedu Police Station,  
Mangalamdeu,  
Kunnam Taluk,  
Perambalur District.  
(Crime No.284 of 2914)

+1cc to Mr.T.Saikrishnan, Advocate, S.R.No.13699  
+1cc to Mr.R.Selvakumar, Advocate, S.R.No.13346

GMR(CO)  
nvi/29.05.2020

Cr1.O.P. No.27191 of 2014

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