



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.3333 & 3334 of 2016

- 1.P.Devarajan
2. D.Senthil Kumar

...Petitioners in both Crl OPs
-Vs-

- 1.Sub Divisional Magistrate Cum
Sub Collector (in Charge),
Perambalur,
Perambalur District.

... Respondents

2. R.Ramasamy

3. R.Raja

... Respondents 2 & 3/A Parties

Common Prayer: Criminal Original petitions filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the notice issued by the 1st respondent in Na.Ka.A3/1941/2015 dated 18.08.2015 (in Crl OP No.3333 of 2016 in Na.Ka.A3/1941/2015 dated 25.01.2016 (in Crl OP No.3334 of 2016) and quash the same.

For Petitioners : M/s.C S Associates
in both Crl Ops

For Respondents : Mr.S.Vinodhkumar
in both Crl OPs Counsel for Government
(Crl.Side) for R1
Mr.T.Arun Kumar
for R2 and R3

O R D E R

This Criminal Original petitions have been filed to quash the notice issued by the 1st respondent in Na.Ka.A3/1941/2015 dated 18.08.2015 (in Crl OP No.3333 of 2016 in Na.Ka.A3/1941/2015 dated 25.01.2016 (in Crl OP No.3334 of 2016).

2. The case of the prosecution is that the 1st petitioner purchased the property to an extent of one acre in S.No.10/1A and 9/2 in Thuraimangalam, Perambalur, Perambalur District, from the 2nd petitioner, who is the owner of the said



property, by a registered sale deed dated 23.03.1985. Thereafter, the 1st petitioner had settled the property in favour of the 2nd petitioner on 05.06.2008, by way of settlement deed. Thereafter, when the petitioners are in possession and enjoyment, one Janarthanam, the 1st petitioner's brother in law, along with his son had disturbed the possession and enjoyment, which resulted in police complaint by both parties. The complaint was referred to the Revenue Divisional officer for an enquiry under Section 145. The Revenue Divisional Officer, after enquiry, directed both the parties to maintain status quo, till the disposal of the suit, which was filed by the Janarthanam's son Rajan Babu in O.S.No.460 of 2012 on the file of District Munsif, Perambalur. While so, the respondents, who are adjacent land owners started the construction in the petitioner's land. Therefore, the petitioners gave complaint before the respondent police on 13.06.2015 against the respondent. The respondent police without investigating the complaint had referred the matter to the 1st respondent on the ground that the case is civil in nature. On receipt of the said complaint, the 1st respondent issued enquiry notice to appear for enquiry under Section 145 by an order dated 18.08.2015 and to appear on 26.08.2015. Challenging the said notices, the petitioners filed these Criminal Original Petitions seeking to quash the same.

3. Mr.S.Vinodhkumar, learned Counsel for Government (Crl.Side) appearing for 1st respondent on instructions submitted that the parties have resorted the issue in O.S.No.460 of 2012 on the file of District Munsif, Perambalur.

4. In view of the above, nothing survives in this criminal original petitions for adjudication and accordingly, both the criminal original petitions are dismissed as infructuous.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif,
Perambalur.

2.Sub Divisional Magistrate Cum
Sub Collector (in Charge),
Perambalur,
Perambalur District.



3. The Public Prosecutor,
High Court of Madras,
Chennai.

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PCH (CO)
GN (10/08/2021)