

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.1180 OF 2014

1.T.Ashokan
S/o.Pakkrisami

2.S.Thayagarajan
S/o.Saminathan

3.S.Vijayakrishnan
S/o.Saminathan

...Petitioners

Vs.

1.The Revenue Administrative Magistrate and
Revenue Divisional Officer, Tiruvarur

2.The Deputy Superintendent of Police
Tiruvarur

3.The State rep. by
Inspector of Police
Koradachery Police Station
Tiruvarur District

4.T.Pakkrisami
5.P.Murugesan
6.Sagundhala
7.Anbazagan

...Respondents

Prayer: Revision petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the impugned Letter dated 27.10.2014 made in TA.PA.85/2014/A-5 on the file of Revenue Administrative Magistrate and Revenue Divisional Officer, Tiruvarur.

For Petitioners : Mr.J.Nandagopal

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side
for Respondents 1 to 3

No Appearance for Respondents 4 to 7

O R D E R

(The case has been heard through video conference)

The Criminal Revision Case has been filed to set aside the impugned Letter dated 27.10.2014 made in TA.PA.85/2014/A-5 on the file of Revenue Administrative Magistrate and Revenue Divisional Officer, Tiruvarur.

2.The learned counsel for the petitioner would submit that the impugned letter issued by the 1st respondent is without proper application of mind and without arriving at a subjective satisfaction. Civil dispute between the brothers in respect of which civil suits are pending has been taken to criminal forum. There is absolutely no breach of peace and there is no need for initiating proceedings under Section 145 Cr.P.C.

3.The 3rd respondent has filed a counter affidavit.

4.The learned Government Advocate (Crl. Side) would submit that the impugned Letter challenged by the petitioners is only a summon in the form of preliminary order. He would rely upon the Full Bench order of this Court passed in Crl.R.C.(MD) No.863 of 2011, dated 13.04.2016, wherein, it has been held that the non expression of satisfaction in the preliminary order by way of summons is only irregularity and not an illegality and the petitioner has to appear before the 1st respondent and to explain his case. He would further submit that till date there is a breach of peace on account of dispute between the parties.

5.At this juncture, learned counsel for the petitioner would submit that the suits are still pending and this Court vide order dated 11.01.2020, in C.R.P.No.2155 of 2016 had directed the Trial Court to dispose of the suits pending between the parties within a period of six months from the date of receipt of a copy of the order.

6.Perusal of the impugned order discloses that it is only summons for appearance.

7.In view of the same, this Criminal Revision Case stands dismissed. However, a direction is issued to the Revenue Administrative Magistrate and Revenue Divisional Officer, Tiruvarur, to complete the enquiry in TA.PA.85/2014/A-5 as

expeditiously as possible, preferably,
within a period of eight months from the date of receipt of a
copy of this order. The 1st date of enquiry is to be fixed on
01.03.2021.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Administrative Magistrate
and Revenue Divisional Officer
Tiruvarur

2.The Deputy Superintendent of Police
Tiruvarur

3.The Inspector of Police
Koradachery Police Station
Tiruvarur District

+1cc to Mr.J.Nandagopal, Advocate, S.R.No.6111

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PA(CO)
KKV/23/02/2021



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