

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.23547 of 2019
and
Crl.MP.No.12388 of 2019

D.Ezhilarasi @ Meera

...Petitioner

.Vs.

1.Sub Divisional Magistrate,
Karaikal,
Puducherry.

2.State rep.by
Inspector of Police,
T.R.Pattinam Police Station,
Karaikal,
Puducherry.

3.Selvaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in M.C.No.273 of 2019, on the file of the learned Sub Divisional Magistrate, Karaikal, Puducherry and quash the same as against the petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.V.Balamurugane

Additional Public Prosecutor
Puducherry

for R 1 & R 2

Mr.R.S.Raghavan for R3

O R D E R

This Criminal Original Petition has been filed challenging the proceedings of the 1st respondent in M.C.No.273 of 2019, wherein the 1st respondent has called the petitioner and the 3rd respondent to attend for an enquiry along with all the relevant documents.

2.Heard Mr.R.Vivekananthan, learned counsel for the petitioner, Mr.V.Balamurugane, learned Additional Public Prosecutor for respondents 1 and 2 and Mr.R.S.Raghavan, learned counsel appearing on behalf of the 3rd respondent.

3.It is seen from records that there is a property dispute between the petitioner and the 3rd respondent. Admittedly, there are no pending civil proceedings as on the date when the 1st respondent had issued the proceedings directing the parties to appear for an enquiry. The proceedings of the 1st respondent clearly explains the reasons as to why the 1st respondent came to a conclusion that there is a likelihood of breach of peace which has to be immediately brought under control. The 1st respondent has not passed any orders and he has merely called the parties for an enquiry.

4.In view of the above, this Court does not want to go into the merits of the case and it is left open to the parties to appear before the 1st respondent and give their statements along with the necessary documents. The 1st respondent is directed to proceed further strictly in accordance with the provisions under Section 145 of the Code of Criminal Procedure and complete the proceedings within a period of six weeks from the date of receipt of a copy of this order .

5.This Criminal Original petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP
To

1.Sub Divisional Magistrate,
Karaikal,Puducherry.

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

3.The Public Prosecutor,Puducherry.

+1cc to Mr.R.S.Ragavan , Advocate SR.No. 13877

+1cc to Mr.R.Vivekananthan, Advocate SR.No. 14280

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