



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.11916 of 2021

S.M.A.Abubucker Siddique

... Petitioner/'A' Party

Vs.

1.The Executive Magistrate/
Revenue Divisional Officer,
Melur Sub-Division,
Madurai District.

2.The Commissioner of Police,
Madurai City.

3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

4.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

...Respondents / Respondents

5.S.M.A. Sikkandar

...Respondent / 'B' Party

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Executive Magistrate / Revenue Divisional Officer, Melur Sub-Division, Madurai District to take cognizance of the First Information report registered by the third respondent police station vide Crime No.708 of 2021 and proceed with the case by enquiring both the parties and to take a final decision thereon with respect to the possession of the shop named as "S.M.A. Siddique Steels and Industries"situated at C.P.no.4, T.N.H.B Colony, Jaihindpuram Main Road, Madurai, as expeditiously as possible within the time stipulated by this Court.

For Petitioner : Mr.R.Anand
For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This petition is filed to direct the Executive Magistrate/Revenue Divisional Officer, Melur Sub Division, Madurai to take cognizance of the First Information Report registered by the third respondent in Crime No.708 of 2021 and proceed with the enquiry.



2. When the matter is taken up for hearing, Mr.S.M.A.Jinnah, learned counsel proposed to file intervening petition for Seeni Mohamed, Seyad Raja and Ibuham.

3. The learned Additional Public Prosecutor would circulate a letter of Assistant Commissioner of Police, Thiruparakundram stating that since civil suits in O.S.No.134 of 2021 and O.S.No.96 of 2021 are pending between the parties, no enquiry can be undertaken under Section 145 of Cr.P.C.

4. The learned counsel for the petitioner as well as the counsel for the intervening parties may get the copy of the aforesaid letter from the Additional Public Prosecutor. Since the first respondent refused to initiate enquiry under Section 145 of Cr.P.C, the learned counsel for the petitioner would submit that he is going to challenge the same. Since recommendation has been made by the Assistant Commissioner of Police, Thiruparakundram has been rejected, nothing survives for further consideration or direction in this petition.

5. In view of the above and liberty, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Executive Magistrate/
Revenue Divisional Officer,
Melur Sub-Division,
Madurai District.

2. The Commissioner of Police,

Madurai City.
<https://hcservices.courts.gov.in/hcservices/>



3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

4.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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