



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19954 of 2021

S.Sasikumar

... Petitioner

Vs

1.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

3.Jeyaraj

4.Kumaresan

5.Kannan

6.Ragunatharaj

7.Thangam @ Karmegam

8.Shanmugaraja

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2, particularly the 1st respondent to initiate proceeding under Section 145 Cr.P.C against the respondents 3 to 8.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.T.Senthil Kumar

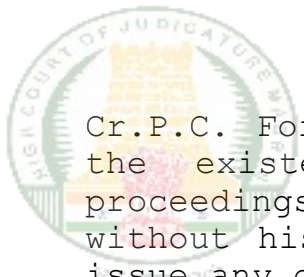
Additional Public Prosecutor

O R D E R

Heard the learned counsel on either side.

2.The petitioner is having dispute with private respondents herein, regarding the petition mentioned property. The petitioner has already moved the first respondent. The petitioner wants this Court to direct the Executive Magistrate to initiate proceedings under Section 145 Cr.P.C against the private respondents herein.

3.Such a prayer is clearly misconceived. The Executive Magistrate has power to initiate proceedings under Section 145



Cr.P.C. For that he has to subjectively satisfy himself and record the existence of threat to public peace, before initiating proceedings under Section 145 Cr.P.C. The matter falls exclusively without his/her subjective realm. It is not for the writ Court to issue any direction.

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4. Leaving open the right of the petitioner, this Writ Petition is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PNM

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 Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
2. The Inspector of Police,
A. Mukkulam Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WP (MD) No. 19954 of 2021
08.11.2021

KMV (CO)
KB (22.11.2021) 2P 4C