



WEB COPY



CRL.R.C.No.337 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.R.C.No.337 of 2018
and Cr.M.P.No.4117 of 2018

P.Natesan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruchengode Tluk,
Namakkal District.

2.The Inspector of Police,
Jedarpalayam Police Station,
Jedarpalayam,
Namakkal District.
(Crime No.280 of 2017)

3.Chinnathiyagarajan

4.Gandhimathi @ Baby

5.Kannaaya

... Respondents

Prayer: The Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to call for the records of the 1st respondent in M.C.No.02/2017/C and to set aside the impugned order passed by the 1st respondent dated 06.02.2018 in M.C.No.02/2017/C.



WEB COPY



CRL.R.C.No.337 of 2018

For Petitioner : Mr.S.Senthil

For Respondents

For R1 & 2 : Mr.A.Gopinath
Government Advocate (Crl. Side)

For R3 & 4 : Ms.N.Mohana Priya
for Mr.E.P.Senniayangiri

ORDER

This Criminal Revision has been filed against the order dated 06.02.2018 passed in M.C.No.02/2017/C on the file of the first respondent thereby directing the parties to maintain the status quo in so far as their possession and enjoyment of the subject property and not to interfere with the others possession and enjoyment of the property.

2. The petitioner and the respondents one to five are brothers. The petitioner owned property comprised in Survey Nos.847/5, 9, 11, 13, 15, 17, 19, 20, 849/1A, 1C, 1E, 1G, 11 and 844/1Q, 844/1S situated at Periyasolipalayam Village. These properties were purchased by the petitioner, by virtue of a registered Sale Deed dated 13.05.2011, from one Premalatha. While that being so, the respondents three to five had created forged documents and obtained patta for the aforesaid land. On the strength of the said patta, the



CRL.R.C.No.337 of 2018

respondents three to five disturbed the petitioner's peaceful possession and enjoyment of the property. Therefore, the petitioner was constrained to file a suit in O.S.No.171 of 2011, on the file of the Principal District Court, Namakkal, as against the respondents three to five for a declaration and injunction. In fact, the trial court, by an order dated 17.11.2011 in I.A.No.309 of 2011, granted interim injunction restraining the respondents three to five not to disturb the peaceful possession and enjoyment of the subject property by the petitioner.

3. While so, again, the third and respondent and others disturbed the use of pathway and were also taking water from the well situated in the said property. Therefore, again, the petitioner filed suit in O.S.No.179 of 2012 before the Fast Track Court-cum-Mahila Court, Namakkal, seeking a permanent injunction. In the meanwhile, one Arumugham, also filed a suit for permanent injunction against the petitioner in O.S.No.139 of 2015 on the file of the Fast Track Court-cum-Mahila Court, Namakkal, which pending without any interim order.



WEB COPY

4. While being so, the respondents three to five lodged a false complaint as if there was law and order issue in respect of the property dispute and the same was registered in Crime No.280 of 2017 and the same was referred before the first respondent for initiation of proceedings under Section 145 Cr.P.C. Admittedly, it is a civil dispute between the petitioner and the respondents three to five herein and another suits suits was also pending in respect of the very same properties. That apart, the said property dispute is absolutely nothing which would warrant to initiate proceedings under Section 145 Cr.P.C. In fact, on the strength of the patta, the respondents three to five were also claiming title over the property.

5. However, according to the petitioner, the documents produced were fabricated one and he had filed a suit for declaration which is pending. Therefore, when the civil Court is seized of the matter, the first respondent has no jurisdiction to initiate proceedings under Section 145 Cr.P.C. Therefore, the order passed by the first respondent cannot be sustained and it is liable to be set aside.



CRL.R.C.No.337 of 2018

WEB COPY

6. Accordingly, the Criminal Revision case is allowed and the order passed by the first respondent in M.C.No.02/2017/C dated 06.02.2018 is hereby set aside. However, the respondents three to five are at liberty to approach the civil Court for appropriate relief. Consequently, connected miscellaneous petition is closed.

17.10.2022

ata

Index : Yes / No

Speaking / Non Speaking order

To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruchengode Tluk,
Namakkal District.
- 2.The Inspector of Police,
Jedarpalayam Police Station,
Jedarpalayam,
Namakkal District.
- 3.The Fast Track Court-cum-Mahila Court,
Namakkal.



WEB COPY



CRL.R.C.No.337 of 2018

G.K.ILANTHIRAIYAN, J.
ata

Crl.R.C.No.337 of 2018

17.10.2022