



Crl.O.P No.24257 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.12.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.24257 of 2021
and Crl.M.P. No.13391 of 2021

Aranganayagi

... Petitioner

Vs.

1. The Sub-Divisional Magistrate-cum-
Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

2. Murugesan
3. Devendran
4. Nagapappan
5. Vijayakumar
6. Rasakumar
7. Kannammal
8. Muthusamy

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in M.C. No.04/2021/A3 dated 20.11.2021 on the file of the learned Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Udayarpalayam and set aside the same.



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For Petitioner : Mr.S.Nagarajan

For Respondent-1 : Mr. A.Gopinath
Govt. Advocate (Crl. Side)

R5 & R8 : Mr. T.Elumalai

R2-4 & R6 : Mr. R.Subramaniyan

ORDER

This Criminal Original Petition has been filed to call for the records in M.C. No.04/2021/A3 dated 20.11.2021 on the file of the learned Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Udayarpalayam and set aside the same.

2. The petitioners belongs to “B” party in the proceedings taken by the learned Divisional Magistrate, Udayarpalayam between “A” & “B” parties in respect of a pathway running in Survey No.212/1A, 212/1E at Rangiyam Revenue Village, Udayarpalayam Taluk which connects both the lands in the respective survey numbers. After registering a case under Section 143 Cr.P.C. the impugned proceeding has been passed on 20.11.2021.



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3. The learned counsel for the petitioners submitted that the proceeding has been passed at the instance of the “A” party and hence it will not fall under the purview of Section 143 Cr.P.C.; the execution authority has colluded with No.2 to 5 members of “B” party who belong to the same family; the matter is primarily civil in nature and hence the proceeding is liable to be quashed.

4. The learned Government Advocate submitted that the order itself has become infructuous by efflux of time and as of now normalcy is resumed.

5. In view of the above submission made by the learned Government Advocate, this matter does not require any further consideration and hence the Criminal Original Petition is disposed as infructuous. Consequently, connected miscellaneous petition is closed.

22.12.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

bkn

To:

1. The Sub-Divisional Magistrate-cum-
Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P No.24257 of 2021

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