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Crl.OP.No.27451 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.27451 of 2022 and
Crl.M.P.No.16885 of 2022

A.A.Ravichandran

... Petitioner

Vs.

1. The Sub Divisional Executive Magistrate/
The Sub Collector,
Pollachi.

2.The Inspector of Police,
Aliyar Police Station,
Pollachi Taluk.

3.Indira

4.Jayaraj

5.Saraswathi

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C.,
prayed to call for the records pertaining to the impugned summon dated
07.10.2022 of the 1st respondent in M.C.No.33/2022/A1, quash the same.

For Petitioner
For Respondents 1 and 2

: Mr. D.R.Arun Kumar
: Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned summon dated 07.10.2022 of the 1st respondent in M.C.No.33/2022/A1 and quash the same.

2.The learned counsel for the petitioner would submit that the petitioner herein is owner of the property measuring to an extent of 6.25 acres comprised in S.F.No.312/1 and 313/1 of Arthanaripalayam Village, Anaimalai Taluk as per the registered Partition Deed dated 12.09.2003. He would further submitted that on 28.06.2016, the petitioner had borrowed a sum of Rs.5 lakhs from the 3rd respondent/ petitioner's sister and towards the security amount, the petitioner had executed a registered sale agreement vide Doc No.3717 of 2016 in the name of the 3rd respondent. It is the contention of the learned counsel for the petitioner that despite the said amount was repaid, the 3rd respondent had failed to cancel the sale agreement and given trouble to the petitioner's peaceful possession. Hence, the petitioner was constrained to file a suit seeking permanent injunction against the



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3rd respondent in O.S.No.141 of 2022 on the file of the Principle District Munsif Court, Pollachi and the same was pending. He would further submit that the petitioner had filed W.P.No.26155 of 2022 before this Court and this Court had directed the 2nd respondent, the Inspector of Police not to interfere with the properties pertaining to O.S.No.141 of 2022 and inquire the complaint given by both the parties. It is his contention that the 2nd respondent police, without inquiring the complaint, had initiated the proceedings under Section 145 of Cr.P.C as against the petitioner. Hence, he seeks to quash the impugned summon issued by the 1st respondent.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first and second respondent and perused the materials available on records.

4. On perusal of the records, it reveals that there is a dispute with regard to properties measuring to an extent of 6.25 acres comprised in S.F.No.312/1 and 313/1 of Arthanaripalayam Village, Anaimalai Taluk. In this regard, a Civil Suit in O.S.141 of 2022 is also pending. Under this circumstances, on the request of the



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2nd respondent police, the 1st respondent has issued summon dated 07.10.2022

under Section 145 of Cr.P.C to the petitioner to appear for enquiry. On perusal of the summon, it is seen that there is a property dispute between A party and B party and in order to avoid law and order problem, a case in CSR.No.18 of 202, 21 of 2022 has been registered for conducting enquiry under Section 145 of Cr.P.C. Hence, this Court finds no reason to quash the summon issued by the first respondent. The parties are directed to appear before the concerned authorities and co-operate with the enquiry. On conduct of the enquiry, if the parties are aggrieved in enquiry, they may take appropriate action upon that order.

5. In view of the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

14.11.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Sub Divisional Executive Magistrate/
The Sub Collector,
Pollachi.
- 2.The Inspector of Police,
Aliyar Police Station,
Pollachi Taluk.
- 3.The Public Prosecutor
High Court, Madras.



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V.SIVAGNANAM,J.

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