

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD).No.21463 of 2022
and
W.M.P.(MD).No.15619 of 2022

Shanmugam

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Kulithalai,
Karur District.

2.The Inspector of Police,
Thogamalai Police Station,
Karur District.

3.Veerasankar

4.Loganathan

5.Chandrasekar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2, particularly the second Respondent to initiate proceedings under Section 145 of Cr.P.C., against the respondents 3 to 5 and their henchmen.

For Petitioner : Mr.R.Murugappan

For 1st Respondent : Mr.K.Christy Theboral
Additional Government Pleader

For 2nd Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed seeking to direct the Respondents 1 and 2, particularly the second Respondent to initiate proceedings under Section 145 of Cr.P.C., against the Respondents 3 to 5 and their henchmen.

2.The learned Counsel appearing for the Petitioner submitted that the rival parties had filed a suit in O.S.No.37 of 2019, which was dismissed by the learned Sub Judge, Kulithalai, on 24.04.2019. Against which, the appeal has also been filed by the rival parties in A.S.No.44 of 2019 on the file of the District Court, Karur District, Karur, and the same was also dismissed by judgment dated 11.11.2021. Subsequent to the dismissal of the appeal in A.S.No.44 of 2019, the rival parties, who are ranked as Respondents 3 to 5 in this Writ Petition, had been continuously harassing the Petitioner by interfering with the peaceful possession and enjoyment of the suit property. Therefore, the Petitioner has filed the present petition.

3.The learned Special Government Pleader and Additional Public Prosecutor for the Respondents 1 and 2 submitted that since this petition is filed under Article 226 of Constitution of India, the Petitioner cannot seek directions to initiate proceedings under Section 145 Cr.P.C.

4.As per Section 145 of Cr.P.C., the proceedings are initiated by the Executive Magistrate based on the report of the Inspector of Police or the Sub Inspector of Police regarding the law and order issues without reference to the merits or the claims of any of the properties. This is not a case of that nature. Hence, this petition is liable to be dismissed.

5.Recording the submission made by the learned Special Government Pleader and Additional Public Prosecutor for the Respondents 1 and 2, this Writ Petition is dismissed as having no merits. No costs. Consequently, the connected Wrti Miscellaneous Petition is closed.

14.09.2022

Index :Yes/No
Internet: Yes/No
vsg

To

- 1.The Revenue Divisional Officer,
Kulithalai,
Karur District.
- 2.The Inspector of Police,
Thogamalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P(MD)No.21463 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

vsg

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