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Crl.R.C.No.334 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.334 of 2018
and Crl.M.P.No.4105 of 2018

Viswanathan

... Petitioner

vs.

1.The Sub Divisional Magistrate/Revenue Divisional Officer,
Thiruchengode,
Namakkal District.

2.The Inspector of Police,
Nallur Police Station,
Namakkal District.

3.Ponnusamy

4.Papathi

5.Balasubramani

6.Somu

... Respondents

Prayer: Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure praying to call for the records pertaining to the impugned order dated 23.02.2018 having reference MC.01/2017/C on the file of the 1st respondent and set aside the same.



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For Petitioner

: Ms.N.Mohanapriya for
M/s.E.P.Senniyangiri

For Respondent

: Mr.L.Baskaran
Government Advocate
(Criminal Side) for R1 and R2

Mr.C.Jagadish for R3

ORDER

This Criminal Revision case has been filed against the order passed by the Sub Divisional Magistrate/Revenue Divisional Officer, Tiruchengode in the Section 145 of Cr.P.C., proceedings in M.C.No.01/2017/C, dated 23.02.2018.

2.Heard Miss.N.Mohanapriya, learned counsel appearing on behalf of the petitioner, Mr.L.Baskaran, learned Government Advocate (Criminal Side) appearing on behalf of the respondents 1 and 2 and Mr.C.Jagadish, learned counsel appearing on behalf of the 3rd respondent.

3.It is brought to the notice of this Court that the petitioner has filed O.S.No.91 of 2012 with respect to the subject property claiming for the relief of partition and separate possession. The 3rd respondent has filed O.S. No.116 of 2012 seeking for the relief of declaration of title and permanent injunction and for declaration of certain documents as non-est and null and void and the suit pertains



to the same subject property. Both these suits are tried together by the learned District Munsif, Paramathi and the case is now at the stage of trial.

4. When the proceedings were heard by the Sub Divisional Magistrate, the pendency of these suits were brought to his notice and in spite of the same, the interim order came to be passed.

5. The learned counsel appearing on either side made their submissions on the merits of the order passed by the Sub Divisional Magistrate. This Court does not want to go into the merits of the order passed by the Sub Divisional Magistrate, since any finding rendered by this Court in this Criminal Revision case will have a bearing in the pending suits between the parties.

6. In the light of the above discussion, the impugned proceedings of the 1st respondent in M.C.No.01/2017/C, dated 23.02.2018, is hereby set aside. It is left open to the parties to raise all their contentions before the Civil Court in the pending suits and the same shall be dealt with on its own merits and in accordance with law. The learned District Munsif, Paramathi shall dispose of O.S.No.91 of 2012 and O.S.No.116 of 2012, within a period of four months from the date of receipt of copy of this order.



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N. ANAND VENKATESH, J.

SSR

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7.This Criminal Revision Case is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

16.03.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

- 1.The District Munsif, Paramathi.
- 2.The Sub Divisional Magistrate/Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
- 3.The Inspector of Police,
Nallur Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court, Madras.

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