



Crl.O.P.No.21970 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.21970 of 2019

and

Crl.M.P.No.11397 of 2019

- 1.Boustamin
- 2.Seenuvasamoorthy
- 3.Arumugam
- 4.A.Kamala

...Petitioners

-Vs-

- 1.The Sub-Divisional Magistrate (South),
Villianur,
Puducherry.

- 2.The Station House Officer,
Villianur Police Station,
Villianur, Puducherry.

- 3.Maria Susai

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the 1st respondent in M.C.No.468 of 2019 dated 06.08.2019 and to quash the same.



Crl.O.P.No.21970 of 2019

WEB COPY

For Petitioner : Mr.K.Sasindran
For R1 & R2 : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor.
For R3 : Mr.A.Gouthaman

ORDER

This Criminal Original Petition has been filed to quash the proceedings in M.C.No.468 of 2019 dated 06.08.2019.

2.It is submitted by the learned counsels on either side that the 3rd respondent had filed the suit for declaration and permanent injunction in O.S.No.188 of 2015 on the file of the Principal Sub-Court, Puducherry. The said suit was dismissed and the 3rd respondent has filed an appeal in A.S.No.5 of 2020 on the file of the III Additional District Court, Puducherry and the same is pending. Since the issue as to whether the petitioners or the 3rd respondent is in possession is pending before the Civil Court, the proceedings before the 2nd respondent / Sub-Divisional Magistrate, to determine as to who is in possession would be a futile exercise.



Crl.O.P.No.21970 of 2019

WEB COPY 3.Further, the learned Additional Public Prosecutor for the 1st respondent / Sub-Divisional Magistrate (South), Villanur, Puducherry, submitted that the proceedings under Section 145 Cr.P.C was revoked as early as on 21.08.2019.

4.In view of the above, no orders are required in the above quash petition and the same is disposed of accordingly. Consequently, connected Criminal Miscellaneous Petition is closed.

27.03.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To

1.The Sub-Divisional Magistrate (South),
Villianur,
Puducherry.

2.The Station House Officer,
Villianur Police Station,
Villianur, Puducherry.



WEB COPY



Crl.O.P.No.21970 of 2019

SUNDER MOHAN,J.

smv

Crl.O.P.No.21970 of 2019
and
Crl.M.P.No.11397 of 2019

27.03.2023