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Crl.OP.No.25100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25100 of 2023

and

Crl.MP.No.17405 of 2023

D.Prabhakaran

... Petitioner

Vs.

1. The Sub-Divisional Magistrate,
Karaikal.

2. The Station House Officer,
Thirunallar Police Station,
Thirunallar Police Station,
Thirunallar.

3. G.Rajendiran

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the preliminary order dated 08.08.2023 passed by the 1st respondent in M.C.No.55 of 2023 on the file of the Sub Divisional Magistrate, Karaikal.

For Petitioner : Mr.J.Rajmohan

For Respondents : Mr.K.S.Mohan Dass,
Public Prosecutor,
Pondicherry for R1 and R2
Assisted by N.Dhanalakshmi



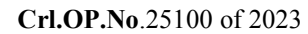
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ORDER

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The petitioner herein being aggrieved by the notice sent by the Executing Magistrate/Sub Divisional Magistrate, Karaikal under Section 145(1) of Cr.P.C is before this Court to quash the same on the ground that there is a civil dispute recording title between the parties and therefore the Executing Magistrate cannot exercise power under Section 145 of Cr.P.C would enter into the dispute.

2. However, the reading of the impugned notice, this Court finds that the Sub Divisional Magistrate being satisfied that the incidence of exhibition of muscle power aggressive trespassing been brought to his notice. Therefore, to prevent such occurrence which may lead to the disturbance to the peace and tranquillity of the public enquiry meet to be contacted for ascertaining person who is actually in possession of the property under dispute. It is only the preliminary enquiry recording peace and tranquillity which could otherwise disturb by the parties concerned. Claiming possession over the property pendency of the suit will not impediment for the Executing Magistrate to exercises power under Section 145 of Cr.P.C by exercising his power to maintain public peace



Consequently, the connected miscellaneous petition is closed.

$$V_v$$

02.11.2023

1. The Sub-Divisional Magistrate,
Karaikal.

2. The Station House Officer,
Thirunallar Police Station,
Thirunallar Police Station,
Thirunallar.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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