



CRL OP(MD). No.3054 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.03.2023

Pronounced on : 27.07.2023

CORAM:

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.3054 of 2023

in

CrI.M.P.(MD)No.2808 of 2023

S.Chockalingam

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti - 628 501,
Thoothukudi District.

2.Krishnamoorthy

...Respondents

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the impugned summons issued by the 1st respondent in Na.Ka.A3/13958/2022 dated 27.01.2023 and 08.02.3023 and quash the same.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.S.Manikandan
Government Advocate (CrI.side)



CRL OP(MD). No.3054 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed to call for the records pertaining to the impugned summons issued by the 1st respondent in Na.Ka.A3/13958/2022 dated 27.01.2023 and 08.02.2023 and quash the same.

2. The facts in brief is that one Krishnamoorthy gave a complaint against the petitioner Chockalingam during Public Grievance Redressal Day. However, the above said complaint, proceedings were initiated under Section 107 of Cr.P.C., by the Revenue Divisional Officer, Kovilpatti. In the above said enquiry on 13.12.2022, the petitioner, as an elder of the particular community gave a statement that he will make enquiry on that issue and inform the authorities. But till 27.01.2023, the same was not informed. On that ground, the petitioner was directed to appear before the respondent on 02.02.2023 and give explanation. Challenging the above said summon, this petition has been filed by the petitioner stating that proper procedure was not followed by initiating action.



CRL OP(MD). No.3054 of 2023

3. Reading of the summon annexed with this petition, shows that between the office bearers and the members of particular community, trouble has arisen between them. The above said Krishnamoorthy appears to have given a complaint stating that he was ex-communicated by the petitioner from the community. In the course of enquiry, the petitioner has appeared and gave statement that there was no ex-communication. But only the above said Krishnamoorthy is making unnecessary allegation and trouble. It is the issue between the members of a particular community.

4. It is also seen that there is no ex-communication of the said Krishnamoorthy. It appears that he made objections over which only above said complaint was given by Krishnamoorthy in the public grievance redressal meeting. On that ground only, it appears that proceedings under Section 107 has been initiated.

5. Absolutely, there is no reason to initiate proceeding under Section 107 of Cr.P.C against this petitioner. The respondent is ordered to advise them to resolve the issue among themselves. The above said



CRL OP(MD). No.3054 of 2023

issue does not involve any breach of peace. On that ground, the summon is liable to be quashed, leaving the parties to workout their remedy through appropriate civil process or among themselves.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition stands closed.

27.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

pnn

To

The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti - 628 501, Thoothukudi District.



WEB COPY



CRL OP(MD). No.3054 of 2023

G.ILANGOVAN,J

pnn

Pre-Delivery Order made in

CRL OP(MD).No.3054 of 2023

in

CrI.M.P.(MD)No.2808 of 2023

Date: 27.07.2023