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Crl. O.P. No.2699 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 22.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P No.2699 of 2024**  
**and Crl. M.P. No.1938 of 2024**

1. Jayalakshmi Nandhini W/o. Kaaleswaran
2. Appavu Vimaladithiyan S/o. Jayathilagan
3. V. Rajeswari W/o. Appavu Vimaladithiyan
4. Nirmala W/o. Jayathilagan

...Petitioners

Vs.

1. The Sub-Divisional Magistrate &  
Revenue Divisional Officer,  
Salem, Salem District.

2. State represented by  
The Inspector of Police,  
Kannankurichi Police Station,  
Salem District.

3. N. Meyyappan S/o. Nataraj
4. Natarajan S/o. Govindagounder
5. Singaravel
6. Baskar
7. Sivagami W/o. Rajendran
8. Ragavendran S/o. Rajendran
9. Sivaram S/o. Rajendran

...Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal  
Procedure Code, to call for the records pertaining to the impugned interim order



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dated 08.02.2023 passed under Section 145 of Code of Criminal Procedure by the proceedings of the 1<sup>st</sup> respondent in Na.Ka.6659/2022(A2) and to set aside the same.

For Petitioner : Mr.V. Karthik, Senior Counsel

For Respondent : Mr. A. Damodaran,  
Additional Public Prosecutor [for R1 & R2]

Ms. R. Poornima [for R3]

Mr. M. Mohamed Riyaz [for R7 to R9]

### **ORDER**

This Criminal Original petition has been filed challenging the impugned proceedings of the 1<sup>st</sup> respondent in No.Na.Ka.6659/2022(A2) dated 08.02.2023 wherein an interim order has been passed by the 1<sup>st</sup> respondent to the effect that no Guru pooja will be celebrated till the issues are resolved between the parties.

2. Heard V. Karthik, learned Senior Counsel appearing for the petitioner and Mr. A. Damodaran, learned Additional Public Prosecutor appearing for R1 & R2, Ms. R. Poornima, learned counsel appearing for R3 and Mr. M. Mohamed Riyaz, learned counsel appearing for R7 to R9.



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3. The above interim order came to be passed when an attempt was made to conduct Guru Pooja on 08.02.2023 and 09.02.2023 at 4 p.m. This period is already over and it will take some more time for conducting Guru Pooja.

4. On instructions, the learned Additional Public Prosecutor submitted that Guru Pooja will be celebrated during the Tamil month Chithirai.

5. It is seen from the records that there are two suits that are pending before the competent Civil Court. One suit has been filed by the 3<sup>rd</sup> respondent which was in O.S. No.603 of 2022 and re-numbered as 719 of 2023. The suit is pending before the I Additional District Judge, Salem. This suit has been filed seeking for the relief of permanent injunction. In this suit, B and C parties have been added as defendants. Similarly, the 'C' party has filed a suit in O.S. No.72 of 2023 against the 'A' and 'B' parties, as such, for the relief of declaration and permanent injunction and other consequential reliefs. This suit is also pending before the same Court.

6. In view of the above, the parties will have to seek remedy for their disputes only in the pending suits before the competent Court and in the light of civil suits that are pending in this case and before the competent Civil Court, it



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is not necessary for the 1<sup>st</sup> respondent to interfere into this matter. In any case, the interim order that was passed by the 1<sup>st</sup> respondent has become infructuous, since the Guru Pooja which was supposed to be conducted on 08.02.2023 and 09.02.2023 was not conducted by the parties by virtue of the dispute.

7. It will suffice if the above clarity is given in this petition and the parties shall work out their remedy in the pending cases only before the competent Civil Court and neither revenue authorities nor the police will interfere in this matter.

8. Accordingly, this Criminal Original petition is disposed of. Connected miscellaneous petition is closed.

**22.02.2024**

Index: Yes/No  
Speaking order/Non-speaking Order  
Neutral Citation: Yes/No  
mjs



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**N.ANAND VENKATESH, J**

mjs

To

- 1.The Sub-Divisional Magistrate &  
Revenue Divisional Officer,  
Salem, Salem District.
2. The Inspector of Police,  
Kannankurichi Police Station,  
Salem District..
- 3.The Public Prosecutor,  
High Court, Madras.

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**22.02.2024**