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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.RC.No.496 of 2024

K.Thilakaraj

...Petitioner

Vs.

1. The Sub-Divisional Magistrate
and Revenue Divisional Officer,
Tambaram Division, Tambaram,
Chengalpet District.
2. State represented by:
The Inspector of Police,
O/o.Inspector of Police,
T-8, Guduvanchery Police Station,
Guduvanchery, Chengalpet District.
3. Vivek
4. Ananda Babu

...Respondents

Prayer: Petition filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records pertaining to the order passed under Section 145 of Cr.P.C. in R.C.No.1283/2023/A dated 24.01.2024 passed by the learned Sub-Divisional Magistrate and Revenue Divisional Officer, Tambaram Division and set aside the order dated 24.01.2024 in R.C.No.1283/2023/A by allowing this revision.



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For Petitioner : Mr.P.K.Ganesh

For Respondents : Mr.A.Gopinath, GA (Crl.Side) [R1 and R2]

Mr.T.I.Ramanathan for R3

Mr.R.Murali for R4

ORDER

The present criminal revision has been filed to set aside the order 24.01.2024 under Section 145 of Cr.P.C. in R.C.No.1283/2023/A passed by the learned Sub-Divisional Magistrate and Revenue Divisional Officer, Tambaram Division.

2. For brevity the third respondent is hereinafter referred to as A party, the fourth respondent is hereinafter referred to as B party and the petitioner is hereinafter referred to as C party.

3. It is the case of the prosecution that as there was a property dispute among the A,B and C parties in respect of the land in S.No.183/3 situated in Kilambakkam Village, the A and B parties made a complaint before the law enforcing agency claiming ownership and possession of the aforesaid property. In order to prevent the disturbance and breach of peace, the law



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enforcing agency registered a case in F.I.R.No.512 of 2023 under Section 145 of Cr.P.C against the said parties and the same was referred before the 1st respondent. However, the 1st respondent after issuing summons to the parties had taken up the matter in R.C.No.1283/2023/A and the 1st respondent vide order dated 24.01.2024 allowed the said petition in respect of A party and rejected the claim of B and C parties. Challenging the same, the petitioner / C party has filed the present revision petition.

4. The learned counsel appearing for the petitioner/ C party as well as the fourth respondent / B party submitted that though very many grounds have been raised by them, it would suffice if this Court grants liberty to the petitioner as well as the fourth respondent to file a civil suit before the competent civil Court as against the third respondent and work out their remedy in the manner known to law.

5. The learned counsel for the third respondent / A party has no objection for the said order being passed.



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6. In view of the submission made by the learned counsel for the petitioner and the fourth respondent, this Court without expressing any opinion on the merits of the case and without interfering with the order impugned, grants liberty to the petitioner as well as the fourth respondent to file a civil suit against the third respondent to work out their remedy before the competent Civil Court. However, it is made clear that the present impugned order is subject to the result of the suit filed by the parties.

7. Accordingly, this Criminal Revision Petition is dismissed.

29.07.2024

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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- To
1. The Sub-Divisional Magistrate and
Revenue Divisional Officer, Tambaram Division
 2. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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