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CrI.R.C.Nos.813 & 1420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.Nos.813 & 1420 of 2022 and
CrI.M.P.Nos.8324 & 15841 of 2022

CrI.R.C.No.813 of 2022

Premalatha

... Petitioner

Vs.

1.The Sub Division Magistrate
cum Revenue Divisional Officer,
Udumalpet, Tirupur District.

2.Duraisamy

3.V.Prakash

4.Kathiresh

... Respondents

CrI.R.C.No.1420 of 2022

K.Duraisamy

... Petitioner

Vs.

1.The Sub Division Magistrate
cum Revenue Divisional Officer,
Udumalpet, Tirupur District.
(Na.Ka.No.1994/2022/A2)

2.The State Rep. by
The Inspector of Police,
Gudimangalam Police Station,
Tirupur District.

3.Prabakar



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4.Premalatha

5.Kuppusamy

6.Kandasamy

... Respondents

PRAYER in Crl.R.C.No.813 of 2022: Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to call for the records on the file of the 1st respondent in proceedings in Na.Ka.1994/2022/A2 dated 17.06.2022 and quash the same as illegal, incompetent and without jurisdiction.

PRAYER in Crl.R.C.No.1420 of 2022: Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to call for the records and set aside the proceedings dated 17.06.2022 in (Na.Ka.No.1994/2022/A2) on the file of the 1st respondent.

Crl.R.C.No.813 of 2022:

For Petitioner : Mr.V.Raghavachari, Senior Counsel for
Ms.V.Srimathi

For R1 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

For R2 : Mr.C.Prabakaran

Crl.R.C.No.1420 of 2022:

For Petitioner : Mr.S.Sheik Ismail

For R1 & R2 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

For R3 to R6 : Mr.V.Raghavachari, Senior Counsel for
Ms.V.Srimathi

COMMON ORDER



The petitioner in Crl.R.C.No.813 of 2022 belongs to B party along with Prabhakar, Kuppusamy and Kandhasamy and the petitioner in Crl.R.C.No.1420 of 2022 belongs to A party along with Duraisamy, Prakash, Kathires, Prakash, Vadivel and Vignesh. Both the criminal revision cases filed challenging the impugned order, dated 17.06.2022 in Na.Ka.1994/2022/A2 passed by the 1st respondent.

2.The petitioner/Premalatha filed suit for specific performance in O.S.No.205 of 2022 against three persons who are A parties in the proceedings under Section 145 Cr.P.C for execution of sale deed and grant decree for declaration of a sale deed, dated 16.02.2022.

3.The contention of the petitioner/Premalatha is that the suit property was purchased by her and R.Velusamy, father of Prakash and Kathires. Velusamy and Premalatha enjoyed the property as co-owners. Thereafter, Velusamy died intestate on 28.02.2012 and Velusamy wife died on 23.02.2015. Their legal heirs Prakash and Kathires succeeded to the half share of the property and both voluntarily offered to release their share. On 07.09.2016, the plaintiff confirming their oral consent to execute the release



deed for consideration of Rs.11,00,000/- per acre for their undivided share and total consideration was fixed as Rs.56,78,750/- which has been paid through cheque, bank transfer and cash. All payments completed by 04.02.2017. Thereafter, they failed to execute the sale deed, mediation held. During mediation, undertaking was given that by 19.01.2018, sale deed would be executed. Later, it was informed that the original title deed, dated 25.08.1999 was found missing. Due to which, there was some dispute, Police complaint lodged, CSR filed and a case in Crime Nos.81 of 2022 & 82 of 2022 registered by the Inspector of Police, Gudimangalam Police Station. The Inspector of Police sent a proposal in C.No.15 of 2022 under Section 107 Cr.P.C on 31.05.2022 to the 1st respondent. Since there have been imminent possibility of break down of law and order, the impugned proceedings under Section 145 Cr.P.C passed by the 1st respondent. In the meanwhile, Prakash and Kathiresh executed sale deed in favour of K.Duraisamy.

4.The learned Government Advocate (CrI. Side) appearing for the State submitted that FIR in Crime Nos.81 & 82 of 2022 registered due to rival claim, use of force by both parties. Sensing break down of law and



order, 107 Cr.P.C proceedings initiated. Finding that there is possibility of break down of law and order, enquiry conducted and the 1st respondent passed the impugned order under Section 145 Cr.P.C on 17.06.2022. He further submitted that now the issue settled amicably between the parties and as on date, there is no threat or any law and order problem. In view of the compromise arrived, the proceedings under Section 145 Cr.P.C becomes innocuous.

5.Today, both sides represented that the issue amicably resolved and settled out of Court and the same was reported before the learned V Additional District Judge, Coimbatore in O.S.No.205 of 2022. The suit was dismissed as settled out of Court even the Court fee was repaid to the plaintiff. Hence, nothing survives for adjudication in the present revisions.

6.Considering the submissions and on perusal of the materials, it is seen that the dispute between both the parties resolved amicably and settled out of Court in O.S.No.205 of 2022. Recording the same, the learned V



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Additional District Judge, Coimbatore passed judgment in O.S.No.205 of 2022 on 05.10.2023. The judgment copy in O.S.No.205 of 2022 produced before this Court.

7.In view of the above, nothing survives for adjudication in the present criminal revision cases and the same are dismissed. Consequently, connected criminal miscellaneous petitions are closed.

12.08.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No

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To

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- 1.The Sub Division Magistrate
cum Revenue Divisional Officer,
Udumalpet, Tirupur District.
- 2.The Inspector of Police,
Gudimangalam Police Station,
Tirupur District.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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