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Crl.R.C.No.189 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.189 of 2021
and
Crl.M.P.No.4574 of 2021

Nallammal

... Petitioner

Vs.

1.Sub Divisional Executive Magistrate and
Revenue Divisional Officer,
Tiruchengode,
Namakkal District.

2.Saravanan
3.Kunjammal
4.Rani @ T.Vasanth Rani
5.R.Kavitha
6.Sekar
7.Saravanan
8.R.Ravi
9.Nallasivam
10.Velusamy
11.The Inspector of Police,
Rural Station,
Tiruchengode.

12.The Village Administrative Officer,
Sirumolasi Group Villages,
Tiruchengode Taluk,
Namakkal District.

... Respondents



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Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order dated 11.09.2020 having reference M.C.04/2020/C on the file of first respondent and set aside the same.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents-1, 11 & 12 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the impugned order dated 11.09.2020 in Roc.No.M.C.04/2020/C on the file of first respondent.

2.The learned counsel for petitioner submitted that the first respondent passed the impugned order dated 11.09.2020 in Roc.No.M.C.04/2020/C directing the 'B Party' therein namely Sekar and four others to approach the competent Court to challenge the action of 'A Party' therein, namely, Saravanan and three others with regard to the possession of property based on an unregistered tenancy agreement with regard to a portion of the property in S.No.65/1, Sirumolasi Group Villages. He further submitted that in the impugned order CSR No.182 of 2020 dated 21.07.2020 and CSR



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No.205 of 2020 dated 05.08.2020 referred. According to the petitioner, she is neither 'A Party' nor 'B Party' in Section 145 Cr.P.C. proceedings.

3.The learned counsel for petitioner further submitted that the petitioner filed a partition suit in O.S.No.217 of 2020 seeking preliminary decree against the defendants 1 to 6, who were shown as 'A Party' and 'B Party' in Section 145 Cr.P.C. proceedings. According to the petitioner, it is a collusive act between both the parties to restrain the petitioner from enjoying the family property. It is only an afterthought, after the petitioner filed the Civil Suit in O.S.No.217 of 2020. Complaints filed projected Law and Order problem and 145 Cr.P.C. proceedings initiated on suppression of facts with falsity, the petitioner filed this revision seeking to set aside the impugned order.

4.The learned Additional Public Prosecutor submitted that in this case there were some claim and counter claim between 'A' and 'B' parties, who are the respondents 2 to 10 herein. There are two criminal complaints in CSR Nos.182 and 205 of 2020 by both groups. Since, there was apprehension of law and order problem and use of force, the matter was referred by the



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Tiruchengode Rural Police Station to the Revenue Divisional Officer, who found that the dispute is civil in nature, directed the 'B Party' to approach Civil Court to confirm their rights and had not taken any action in Section 145 Cr.P.C. proceedings. Hence nothing survives in the impugned order to be challenged. Further submitted that the petitioner already filed civil suit in O.S.No.217 of 2020. If at all the petitioner has got any apprehension, she can very well file an injunction application or any other prohibitory application in the civil suit. Further submitted that after 11.09.2020, there is no other complaints with regard to enjoyment and possession of the property. Hence, prayed to dismiss the revision.

5.The learned counsel for petitioner submitted that now pleadings completed, issues framed and the suit is ripe for trial.

6.Considering the submissions made and on perusal of the material, it is seen that the first respondent rejected the request of the Inspector of Police, Tiruchengode Rural Police Station to initiate Section 145 Cr.P.C. proceedings. The petitioner's contention is that both 'A' and 'B' parties colluded and projected as law and order problem and attempted to initiate



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Section 145 Cr.P.C. proceedings. Now the petitioner filed a civil suit, in which, both 'A' and 'B' parties are defendants. It is for the petitioner to work out her right and remedy in the partition suit before the Sub Court, Tiruchengode.

7. With the above observations, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

06.08.2024

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

1. Sub Divisional Executive Magistrate and
Revenue Divisional Officer,
Tiruchengode, Namakkal District.
2. The Inspector of Police,
Rural Station, Tiruchengode.
3. The Village Administrative Officer,
Sirumolasi Group Villages,
Tiruchengode Taluk, Namakkal District.



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4.The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

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