



WEB COPY



Crl.R.C.No.1881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1881 of 2023
and Crl.M.P.No.17582 of 2023**

1.Devadoss Walter

2.John Britto

... Petitioners

Vs.

1.The Sub Divisional Magistrate,
Karaikal,
Puducherry State.

2.The Station House Officer,
Nedunkadu Police Station,
Nedunkadu.

3.Arumainathan

... Respondents

PRAYER : Criminal Revision filed under Sections 397 and 401 of the code of Criminal Procedure, to set aside the order dated 24.02.2023 made in M.C.No.15 of 2023 passed by the first respondent under Sections 145(1) and 146(1) Cr.P.C.



WEB COPY



CrI.R.C.No.1881 of 2023

For Petitioner : Mr.R.Thenamirtha Shyamala

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor for R1 and R2
Mr.P.Suresh for R3

ORDER

The Criminal Revision Case is filed against the impugned order dated 24.02.2023 passed in M.C.No.15 of 2023 by the first respondent under Sections 145(1) and 146(1) Cr.P.C.

2. The learned counsel appearing for the petitioners would submit that the petitioners are "B-Party" in the proceedings initiated against them, based on the report filed by the second respondent vide No.4895 dated 12.06.2023 stating that there was a dispute between the petitioners and the third respondent over the possession of the properties, for which, there was imminent possibility of law and order problem over the issue of the possession of the properties, for which, the properties of the petitioners were attached. Admittedly, there was a civil dispute between the petitioners and the third respondent and in this regard, the petitioners have already filed a



Crl.R.C.No.1881 of 2023

suit in O.S.No.70 of 2022 before the District Munsif Court, Karaikal, and have also made a complaint before the Police against the private respondent. However, she confines her relief to the extent of permitting the petitioners to file an interlocutory application in the civil suit filed by them and submits that if any interim order is granted by the trial Court, the present impugned order will be subject to the result of the civil suit.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the third respondent.

4. In view of the limited relief sought for by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order passed by the first respondent, permits the petitioner to file an interlocutory application in the suit filed by them in O.S.No.70 of 2022 before the District Munsif Court, Karaikal. If any interim order is granted by the trial Court, the present impugned order will be subject to the result of the



CrI.R.C.No.1881 of 2023

civil suit.

WEB COPY

5. Accordingly, the Criminal Revision Case is disposed of.

Consequently, connected miscellaneous petition is closed.

18.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1.The Sub Divisional Magistrate,
Karaikal,
Puducherry State.

2.The Station House Officer,
Nedunkadu Police Station,
Nedunkadu.



WEB COPY



Crl.R.C.No.1881 of 2023

M.DHANDAPANI, J.

ssb

Crl.R.C.No.1881 of 2023

18.06.2024