



CRL OP(MD). No.6144 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.6144 of 2022 and0
Crl.M.P.(MD) Nos.4262 and 4263 of 2022**

1. Selvam
2. Prabakaran
3. Ramakrishnan
4. Saravanan
5. Senthil Murugan

... Petitioners

Vs

1. The Sub -Divisional Magistrate cum
Revenue Divisional Officer,
Pudukkottai District, Pudukkottai.
2. The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
3. Nallaiya
4. Anandtha Jothi
5. Raja
6. Balamurugan
7. Subramani



CRL OP(MD). No.6144 of 2022

8. Murugesan

... Respondents

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PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records in the impugned proceedings in M.C.No. 3/1755/2022, dated 16.03.2022 on the file of the 1st Respondent/The Sub – Divisional Magistrate cum Revenue Divisional Officer and quash the same.

For Petitioners : M/s. N. Gayathri

For Respondents : M/s. P. Kottaichamy for R1 & R2
Government Advocate (Crl.side)

M/s. D.R. Murugesan for R3.

ORDER

This petition has been filed to quash the proceedings in M.C.No. 3/1755/2022, dated 16.03.2022 on the file of the 1st Respondent/The Sub – Divisional Magistrate cum Revenue Divisional Officer.

2.It is the case of the first respondent that the third respondent is the owner of the crusher unit and he has rented out the same to the first petitioner for a sum of Rs.2 lakhs and an advance of Rs.25 lakhs have



CRL OP(MD). No.6144 of 2022

also been paid to the third respondent pursuant to the agreement entered into. While so, the third respondent, in order to acquire the property without due process of law, has made complaints against the petitioners. Since there are breach of peace, thereby the Revenue Divisional Officer initiated proceedings under Section 145 Cr.P.C., and issued summons to the petitioners, challenging the same, the petitioners are before this court.

3.The learned counsel for the petitioners would submit that the petitioners are running the crusher unit profitably and hence, in order to grab the same, the third respondent has preferred complaints against the petitioners in one way or the other and as such, the first respondent has initiated proceedings between the parties, viz., the respondents 3 to 8 as A party and the petitioners as B party and issued summons to the petitioners, challenging the same, the petitioners are before this Court.

4.The learned counsel for the private respondents would submit that the impugned order is only summons, however, there is purely tenancy dispute and if at all the petitioners are aggrieved, they can approach the appropriate forum, instead approaching the Revenue



CRL OP(MD). No.6144 of 2022

Divisional Officer.

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5.The learned Government Advocate would submit that it is only summons, which cannot be interfered with at the threshold and vehemently oppose the petition.

6.Considering the facts and circumstances of the case and considering the fact that the petitioners are challenging the summons issued by the Revenue Divisional Officer, the present petition is dismissed with liberty to the petitioner to approach the appropriate forum. Consequently connected Miscellaneous Petitions are closed.

20.02.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The Sub -Divisional Magistrate cum
Revenue Divisional Officer,
Pudukkottai District, Pudukkottai.

2. The Inspector of Police,
Thirugokarnam Police Station, Pudukkottai District.

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CRL OP(MD). No.6144 of 2022

M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.6144 of 2022**

Date : 20.02.2024