



Crl.O.P.No.12945 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.12945 of 2024
and Crl.M.P.No.7879 of 2024

The Muthwalli
Masjid Mubarak- Avadi,
Paruthipattu No.1,
NM Road, Avadi,
Chennai – 54

... Petitioner

Vs.

1. The Sub-Divisional Magistrate and
Revenue Divisional Officer,
Office of the Sub Divisional Magistrate
and Revenue Divisional Officer,
Thiruvallur.

2. The Tahsildar,
Avadi, Thiruvallur District.

3. The Regional Joint Director,
Animal Husbandry Department,
Tiruvallur.

4. The Inspector of Police,
T-6, Avadi Police Station,
Avadi.

5. Gajendran

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C., to



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set aside the proceedings of the first respondent dated 04.05.2024 in RC.2000/2024/A1 under Section 145 Cr.P.C.

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For Petitioner : Mr.N.A.Nassir Hussain

For Respondents

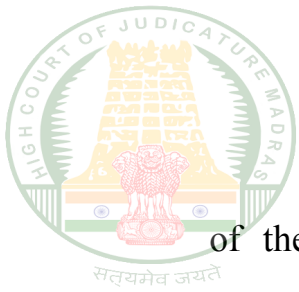
For R1 to R4 : Mr.K.M.D.Muhila
Government Advocate (Crl. Side)

For R5 : Mr.S.Senthilnathan

ORDER

This petition has been filed challenging the summon dated 04.05.2024 issued by the first respondent in RC.2000/2024/A1 under Section 145 Cr.P.C.

2. It is seen that the petitioner obtained decree as against the respondents in O.S.No.35 of 2021 by the judgment and decree dated 07.09.2023 on the file of the Tamilnadu Waqf Tribunal, Chennai, for declaration, declaring that the property comprised in S.No.78/2 situated at Parthipattu Village, Poonamallee Taluk, Avadi Taluk, Thiruvallur District to an extent of 1.25 acres out of 6 acres is a Muslim burial ground and mandatory injunction to update all the revenue records in favour of the petitioner and also for permanent injunction restraining the respondents from interfering with the peaceful possession and enjoyment



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of the subject property. After the decree some of the third parties interfered with their possession and as such the petitioner lodged complaint before the fourth respondent. The fourth respondent without even verifying the decree obtained by the petitioner, mechanically referred the matter to initiate proceeding under Section 145 of Cr.P.C., to the file of the first respondent. On receipt of the same, the first respondent issued summons to the petitioner. Aggrieved by the same, the petitioner filed the present petition.

3. The learned counsel appearing for the petitioner submitted that already the subject property was declared in favour of the petitioner. Now, there is no interference from the third party viz., fifth respondent herein and as such, the petitioner doesn't want to proceed with the complaint.

4. In view of the above submission, the entire proceedings initiated under Section 145 of Cr.P.C., cannot be sustained and liable to be quashed. Accordingly, the summon 04.05.2024 passed by the first respondent in RC.2000/2024/A1 under Section 145 Cr.P.C., is hereby quashed. The fourth respondent is at liberty to take appropriate action on



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the complaint filed by the petitioner in respect of the subject property.

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5. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

14.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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2. The Tahsildar,
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3. The Regional Joint Director,
Animal Husbandry Department,
Tiruvallur.

4. The Inspector of Police,
T-6, Avadi Police Station,
Avadi.

5. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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