

ITEM NO.47

COURT NO.2

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) Nos.7119-7121/2022

(Arising out of impugned final judgment and order dated 20-07-2022 in CRLQP No. 16343/2022, CRLQP No. 16485/2022 and CRLQP No. 16695/2022 passed by the High Court of Judicature at Madras)

O. PANNEERSELVAM

Petitioner(s)

VERSUS

THE REVENUE DIVISIONAL OFFICER CUM
SUB DIVISIONAL MAGISTRATE & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.109459/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.109456/2022-EXEMPTION FROM FILING O.T. and IA No.109458/2022-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.109455/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-09-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Guru Krishna Kumar, Sr. Adv.
Mr. P. Raja Lakshmi, Adv.
Mr. Goutham Shivshankar, AOR
Mr. Adit Jayeshbhai Shah, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Balaji Srinivasan, AOR
Mr. K. Gowtham Kumar, Adv.
Mr. Shiva Krishnamurti, Adv.
Ms. Aakriti Priya, Adv.
Mrs. Lakshmi R. Rao, Adv.
Ms. Gauri Pasricha, Adv.
Mr. Prabhu V., Adv.

Mr. V. Krishnamurthy, Sr. Adv./AAG,
Dr. Joseph Aristotle S., AoR.
Ms. Nupur Sharma, Adv.
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kumar Mahara, Adv.
Ms. Richa Vishwakarma, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1 The notice under Section 145(1) of the Code of Criminal Procedure 1973¹ issued by the Sub-Divisional Magistrate, South Division, Chennai dated 11 July 2022 relied upon an FIR in Crime No 190 of 2022 registered at E2 Royapettah Police Station for offences punishable under Sections 147, 148, 341, 324, 326 and 353 of the Indian Penal Code 1860 read with Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act 1992. The notice states that:

“It is seen from the contents of the FIR that it is a dispute between two factions of a political party with regard to possession of the building in question”.

2 The FIR at Annexure P-4 *ex facie* indicates that there was no allegation indicating the existence of a dispute in relation to the building in question.

3 Section 145(1) of CrPC postulates the satisfaction of the Executive Magistrate from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists, *inter alia*, “concerning any land or water or the boundaries thereof, within his local jurisdiction”. The expression ‘land’ is defined to include buildings in Section 145(2). In the present case, the sole basis of the notice dated 11 July 2022 is the FIR in Crime No 190 of 2022, a bare reading of which is sufficient to indicate that there was no dispute concerning land.

4 On the above premises, the impugned order of the Single Judge of the High Court has to be sustained for the reason that the jurisdictional requirement for the invocation of Section 145(1) of CrPC was not established in the circumstances of the present case.

1 “CrPC”

5 For the above reasons, we do not find merit in the Special Leave Petitions. The
Special Leave Petitions are accordingly dismissed.

6 However, since other legal proceedings are pending between the parties, it is
clarified that the observation that the observations contained in the impugned
order shall not affect the merit of those proceedings.

7 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER