

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25806 of 2015

A.Nageshwari

... Petitioner

Vs

State represented by,
Inspector of Police,
South Police Station,
Tiruppur.

(C.S.R.No.610/2015

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a case in the C.S.R. No.610 of 2015 dated 12.08.2015 based on the petitioner's complaint dated 08.08.2015 and to investigate the case and time may be framed to file a final report as early as possible.

For Petitioner : Mr.K.Silambarasan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent to register a case in C.S.R.No.610 of 2015, dated 12.08.2015 based on the complaint of the petitioner dated 08.08.2015.

2. The petitioner is a landlord and the counter petitioner viz., Siva @ Udhayakumar is a tenant under him. Since a dispute arose between the petitioner's son and the said Siva @ Udhayakumar, in the month of January 2015, the petitioner asked Siva @ Udhayakumar to vacate and hand over the premises. The said Siva @ Udhayakumar sought six months time to vacate the premises and thereby the petitioner, the said Siva @ Udhayakumar and his wife Kalaivani entered into Memorandum of Understanding on 07.02.2015. Though six months time had expired on 06.08.2015, the said Siva @ Udhayakumar did not take necessary steps to vacate the premises. In this regard, the said Siva @ Udhayakumar has filed a suit in O.S.No.288 of 2015 before the

District Munsif Court, Tiruppur. It is further stated in the petition that the petitioner appeared before the said Court and obtained a set of documents in the suit and found that the documents have been forged by the said Udhayakumar for the purpose of filing of the said suit. Hence, the petitioner lodged a complaint on 08.08.2015 and C.S.R. No. has been assigned in C.S.R.No.610 of 2015, but, till date no action was taken. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that at the time of enquiry, the counter petitioner has agreed to vacate the premises before December, 2015 and also assured that he would pay the advance amount to the petitioner and based on the said assurance, the complaint was closed.

5. Considering the facts and circumstances of the case, as it is a dispute between the landlord and tenant, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out her remedy in a manner known to law, if she so desires.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc/vsm

To

1. Inspector of Police,
South Police Station,
Tiruppur.
 2. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.K.Silambarasan, Advocate sr.60498/15

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