

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28600 of 2015

G.Sekar

... Petitioner

..Vs..

The State rep. By
The Inspector of Police,
Attur Police Station,
Salem District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent herein to register a case based on the petitioner's complaint dated 30.10.2015 and investigate the same in accordance with law.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondent herein to register a case based on the petitioner's complaint dated 30.10.2015 and investigate the same in accordance with law.

2. According to the petitioner, there was a dispute between him and his landlord, one Seethalakshmi as regards letting out the premises at No.35-D, 33rd Ward, New Housing Board, Therukkadu, Attur Post & Taluk, Salem District. The lease was originally for a period of three years commencing from 2007 to 2010 for a sum of Rs.1,50,000/- and thereafter, it was renewed from time to time once in three years. While so, on 01.06.2015, the landlord along with her husband informed the petitioner to revoke the lease agreement to enable her convert the tenancy at the rate of Rs.2,500/- per month. They also assured to return the lease amount of Rs.1,50,000/-. Though the landlord returned a sum of Rs.1,00,000/- to the petitioner on 01.06.2015, after taking a sum of Rs.30,000/- as advance, she is yet to return a sum of Rs.20,000/- to the petitioner. Thereafter, she returned a sum of Rs.20,000/- to the petitioner in the presence of the Deputy Superintendent of Police. The

grievance of the petitioner is that when a sum of Rs.30,000/- is still lying with the landlord towards advance, she threatened the petitioner to vacate the rented premises on or before 10.10.2015.

3. Thereafter, the petitioner filed a suit in O.S.No.264 of 2015 on the file of the District Munsif Court, Attur seeking permanent injunction. While so, on 24.10.2015, about 7.00 p.m., when the petitioner and his friend namely, Baskar were passing through the Railway Subway, the said Seethalakshmi and her husband Venkatesan along with two identified unknown persons restrained the petitioner and threatened him that if he does not vacate the rented premises, the petitioner and his family will be murdered through hired killers. In this regard, the petitioner made a complaint to the respondent police on 25.10.2015. Since no action is taken on the said complaint, the petitioner has come up with the present Criminal Original Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. Learned Additional Public Prosecutor appearing for the respondent submitted that C.S.R.No.637/2015 was assigned to the petitioner's complaint and the counter petitioner also lodged a complaint against the petitioner herein and that both the complaints were enquired and closed. He also produced the Closure Report before this Court.

6. Taking note of the said submissions, as the petitioner's complaint as also the counter petitioner's complaint have been enquired and closed, nothing further survives in this petition. Accordingly, this Criminal Original Petition is dismissed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To :

1. The Inspector of Police,
Attur Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.28600 of 2015

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