



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

Crl.R.C. (MD) No.123 of 2014

WEB COPY

J. Jonia

... Petitioner

Vs.

The Inspector of Police,
Kottar Police Station,
Nagercoil 629 002.

... Respondent

PRAYER: This Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Crl.M.P.No.931 of 2013 in Crime No.147 of 2012 dated 04.10.2013 on the file of the Judicial Magistrate No.II, Nagercoil and set aside the said order.

For Petitioner : Mr. Ananth C. Rajesh
For Respondent : Mr. C. Mayilvahan Rajendran, APP

ORDER

The petitioner is the de facto complainant in Crime No.1476 of 2012 on the file of the respondent Police. The said case was registered for the offences under Sections 147, 148, 294(b), 447 and 379 IPC and Section 3 of TNPPDL Act. On completing the investigation, the respondent Police filed a final report, thereby reporting that there was no such offence committed by the accused. On receipt of the said negative final report, the learned Judicial Magistrate No.II, Nagercoil, issued a notice to the petitioner, as directed by the Hon'ble Supreme Court in *Bagawant Sing Vs. State* reported in 1985(2) SCC 537. Accordingly, the petitioner appeared before the learned Judicial Magistrate and filed a protest petition. That was dismissed by the learned Judicial Magistrate in Crl.M.P.No.931 of 2013 dated 04.10.2013. Challenging the said order, the petitioner is before this Court with this Criminal Revision Case.

2.I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. I have also perused the records carefully.

3.The learned counsel for the petitioner would submit that the complainant is the tenant of the property in question and the respondent had trespassed into the property, caused damages and abused him and thereby committed various offences.

4.The learned Additional Public Prosecutor for the respondent would submit that the dispute is purely civil in nature. According



to him, the records reveal that as against the petitioner, the landlord filed a petition for eviction under the Tamil Nadu Buildings Lease and Rent Control Act and got an order of eviction, filed execution petition and delivery was ordered and the Amin of the Court took delivery of the property. Thus, according to him, absolutely there is no material warranting trial of the accused against whom the case was registered.

5.I have considered the above submissions.

6.It is not in dispute that the petitioner was the tenant of the building in question. The investigation report reveals that a petition for eviction was filed by the landlord and eviction order was passed against the petitioner and that was executed and during execution, delivery was ordered and in pursuance of the same, the Court Amin had taken delivery of the property. Therefore, as concluded by the investigating officer, I find that no offence had been committed by the accused. Therefore, the Lower Court was right in dismissing the protest petition by accepting the negative final report.

7.In view of all the above, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate No.II, Nagercoil.
 - 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil
 - 3.The Inspector of Police, Kottar Police Station,
Nagercoil 629 002.
 - 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai
- +One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.33335
nbj
RL/6 c- 22/7/2015

Cr1.R.C. (MD) No.123 of 2014