

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.12139 of 2018

- | | | |
|---|---|-------------|
| 1 | P. Nalini
Proprietrix
M/s. Prem Stores
No.53, Tana Street
Purasaiwakkam
Chennai 600 007 | |
| 2 | P. Manjunath | Petitioners |
| | vs. | |
| 1 | The State of Tamil Nadu
represented by the Commissioner of Police /
Executive Magistrate
Greater Chennai City
Vepery
Chennai 600 007 | |
| 2 | The Inspector of Police
Vepery Police Station
Vepery
Chennai 600 007 | |
| 3 | V. Shanmugam | Respondents |

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent to unlock the ground floor portion of the shop bearing no.53, Tana Street, Purasaiwakkam, which was unauthorisedly locked and sealed by the third respondent on 20.03.2018 and restore the possession to the petitioners.

For petitioners
For RR 1 & 2

For R3

Mr. C.K.M. Appaji
Mrs. Kritika Kamal P.
Govt. Adv. (CrI. Side)
Mr. K.N. Nataraajan

ORDER

This Criminal Original Petition has been preferred seeking a direction to the first respondent to unlock the ground floor portion of the shop bearing no.53, Tana Street, Purasaiwakkam, which was unauthorisedly locked and sealed by the third respondent on 20.03.2018 and restore the possession to the petitioners.

2 It is the case of the petitioners that they were tenants in Door No.53, Tana Street, Purasaiwakkam, Chennai under the third respondent and the third respondent had illegally dispossessed them and hence, the present Criminal Original Petition seeking the aforesaid relief.

3 Heard Mr. C.K.M. Appaji, learned counsel for the petitioners, Mrs.Kritika Kamal, P., learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and Mr. K.N. Nataraajan, learned counsel for the third respondent.

4 Today, Ms. K. Selvi, Sub Inspector of Police, G-1, Vepery Police Station is present.

5 On instructions, the learned Government Advocate (Crl. Side) submitted that the police have not locked the said shop premises as the dispute is essentially a civil one between the petitioners and the third respondent and that apart, there are two suits pending in O.S. Nos.311 of 2018 and 464 of 2018 before the XVI Assistant Judge, City Civil Court and II Assistant Judge, City Civil Court respectively.

6 The learned counsel for the third respondent submitted that the petitioners had vacated the premises, but, had tried to hand over the premises to a third party by sub letting it and at that time, the landlord got alerted and intervened.

7 In the opinion of this Court, no finding can be given with regard to the title, ownership or possession of the property in question. A proceedings under Section 145 Cr.P.C. can be initiated only when there is any likelihood of breach of peace. In private disputes, provisions of Section 145, ibid, cannot be invoked.

Hence, this Criminal Original Petition is closed with liberty to the petitioners to work out their remedy before the appropriate forum.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner of Police/ Executive Magistrate
Greater Chennai City
Vepery, Chennai 600 007
- 2 The Inspector of Police
Vepery Police Station
Vepery, Chennai 600 007
- 3 The Public Prosecutor
High Court of Madras, Chennai 600 104

+1cc to Mr. C.K.M. Appaji, Advocate sr.no.4046
+1cc to Mr.K.N.Nataraj, Advocate sr.no.39977

Cr1.O.P. No.12139 of 2018

nr 04/07/2018

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