

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28551 of 2017
and
Crl.M.P.Nos.16502 & 16189 of 2017

1.Kannan @ Anantha Narayanan

2.K.Manikandan

... Petitioners

Vs.

1.State by

The Inspector of Police,
City Crime Branch,
Coimbatore.

(Crime No.104 of 2017) ...Respondent/Complainant

2.N.Ravichandran ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in Crime No.104 of 2017
on the file of the Inspector of Police, City Crime Branch,
Coimbatore and quash the same.

For Petitioners : Mrs.P.T.Asha
for S.Gunalan

For Respondent 1 : Mr.P.Kritika Kamal,
Government Advocate (Crl. Side)

For respondent 2 : No Appearance

ORDER

This petition has been filed by the petitioners to call for the records in Crime No.104 of 2017 on the file of the Inspector of Police, City Crime Branch, Coimbatore and quash the same.

2.Heard learned counsel for the petitioners as well as the learned Government Advocate (Crl. side) for the respondents.

3.The complaint, on the basis of which the case is registered, is purely civil in nature. The grievance of the defacto complainant seems to be that the petitioners herein had

sublet the subject premises and had been utilising the rental amount for himself without paying to them. I am unable to comprehend as to how such a grievance can be given a criminal colour.

4.The learned Government Advocate, on the other hand submitted that the ingredients of Section 420 I.P.C., has been clearly made out from the complaint and therefore, opposed the petition.

5. On a careful perusal of the entire complaint, it is seen that the dispute between the petitioners and the defacto complainant is with regard to the non-payment of the lease amount. In this connection, the petitioners had earlier filed a suit in O.S.No.1117 of 2013 seeking for permanent injunction, in which, an order of interim injunction was granted in I.A.No.834 of 2013. The defacto complainant seems to challenge the said I.A in C.M.A.No.25 of 2013. In view of the civil nature of the complaint, it would not be appropriate for the respondent police to investigate at this stage.

6. In these circumstances, the Criminal Original Petition stands allowed. Accordingly, the proceedings in Crime No.104 of 2014 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
City Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.2622

Cr1.O.P.No.28551 of 2017 &
Cr1.M.P.Nos.16502 & 16189 of 2017

GMR(CO)
RRK(22/01/2018)