

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8548 of 2017
and Crl.M.P.No.6113 of 2017

Jayalakshmi

..Petitioner

Vs.

1.The Superintendent of Police,
Erode District.2.The State by
Inspector of Police,
Ammamet Police Station,
Erode District.
(Crime No.345 of 2016)

..Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to handover the key of the petitioner's shop of M/s.Harivari Electricals at 1349, Anthiyur Main Road, Boothapadi, Anthiyur Taluk, Erode District either into the Hon'ble Judicial Magistrate Court, Bhavani or to the petitioner in connection with the case in Crime No.345 of 2016 on the file of the 2nd respondent within the time fixed by this Hon'ble Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.Mohamed Riyaz,
Additional Public Prosecutor.**ORDER**

This Criminal Original Petition has been filed seeking to direct the 2nd respondent to handover the key of the petitioner's shop of M/s.Harivari

Electricals at 1349, Anthiyur Main Road, Boothapadi, Anthiyur Taluk, Erode District, either to the Hon'ble Judicial Magistrate Court, Bhavani or to the petitioner in connection with the case in Crime No.345 of 2016 on the file of the 2nd respondent.

2.The learned counsel for the petitioner would submit that the petitioner is a tenant under the 3rd respondent/accused in Crime No.345 of 2016 on a monthly rent of Rs.2,000/- and an advance of Rs.10,000/-. While so, the 3rd respondent all of a sudden demanded the petitioner to vacate the shop without any reasons. Though the petitioner willing to pay higher rent, he insisted to vacate the premises and also threatened her with the help of henchmen. Hence, she filed a complaint on 18.07.2016. Since no action has been taken by the 1st respondent, a civil suit in O.S.No.297 of 2016 has been filed seeking permanent injunction, before the District Munsif Court, Bhavani. While the suit is pending, the landlord entered into the premises on 21.08.2016 and broke open the shop and damaged the equipments and materials which were kept in the shop and damaged to the tune of Rs.10Lakhs. Therefore, she lodged a complaint and the same was registered in Crime No.345 of 2016 for the offences under Section 457 and 380 of IPC as against the landlord. Thereafter, the 2nd respondent Police locked the shop with another lock and kept the keys with him. Though the petitioner requested for return of key, it was not returned. Hence, the petitioner is before this Court with the aforesaid prayer.

3.The learned Additional Public Prosecutor submitted that already a civil suit is pending between the petitioner and his landlord in O.S.No.297 of 2016 and also a case has been registered in Crime No.345 of 2016 on the file of the 2nd respondent for the offences under Section 457 and 380 of IPC and the investigation is still pending.

4.Heard Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the State.

5.Considering the above facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.345 of 2016 within a period of three months from the date of receipt of copy of this order and file a final report. The 1st respondent is directed to monitor the investigation carried out by the 2nd respondent. While conducting enquiry, the 2nd respondent is also required to return the key of the shop premises to the petitioner and take appropriate steps in accordance with law.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

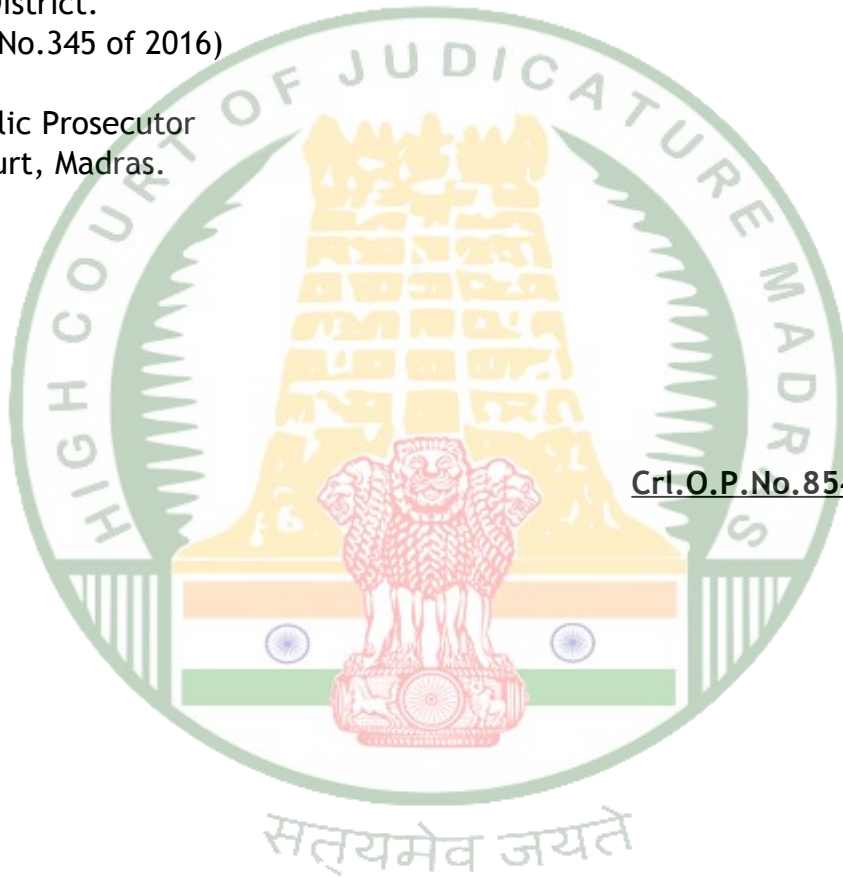
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G.K.ILANTHIRAIYAN, J.

To

- 1.The Superintendent of Police,
Erode District.
- 2.The State by
Inspector of Police,
Ammamet Police Station,
Erode District.
(Crime No.345 of 2016)
- 3.The Public Prosecutor
High Court, Madras.



Crl.O.P.No.8548 of 2017

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