

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.21741 of 2014
and
M.P.Nos.1 & 2 of 2014

1.V.Jegadeesh,
S/o.Mr.Vittal.

2.J.Anitha,
W/o.V.Jegadeesh. ...Petitioners

-Vs-

D.Anantha Krishnan,
S/o.Devaraj Naidu. ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the case in C.C.No.190 of 2014 pending on the file of the Hon'ble Judicial Magistrate II at Coimbatore and quash the same.

For Petitioner : Mr.J.Kingsly Solomon.
For Respondents : No appearance.

O R D E R

The respondent herein filed a private complaint under Section 200 Cr.P.C., against the petitioner before the learned Judicial Magistrate No.II, Coimbatore. The learned Magistrate took cognizance of the complaint in C.C.No.190 of 2014 and issued summons to the petitioners herein. After receipt of the summons, the respondent has filed the present petition to quash the proceedings in C.C.No.190 of 2014, pending on the file of the learned Judicial Magistrate No.II, Coimbatore.

2.The learned counsel for the petitioners would submit that the petitioners herein are the landlords and the respondent is the tenant under him. Since the respondent is default in paying the rent, the petitioners being the landlords have asked for the same. Without paying the rent, the respondent has filed a petition for fixation of fair rent, before the learned Rent

Controller, Coimbatore. After filing the petition, in order to evade from paying the rent, the respondent has filed the present false complaint against the petitioners. Therefore, the complaint in C.C.No.190 of 2014 is liable to be quashed.

3.None appears on behalf of the respondent/defacto complainant. Heard the learned counsel for the petitioners and perused the records.

4.Admittedly, the petitioners are the landlords and the respondent is the tenant under them. The respondent filed a private complaint before the learned Judicial Magistrate No.II, Coimbatore and the same was taken on file in C.C.No.190 of 2014. Though the petitioners have stated that the relationship between the petitioners and the respondent is only landlord and tenant relationship and it is purely civil in nature, the 1st petitioner has given complaint that the respondent is creating disturbance repeatedly to the petitioners and the wife of the respondent one Veena along with five others had committed theft of the iron rod and pipe worth about Rs.1,25,000/-, which was kept in front of his house. In this regard, the 1st petitioner has also filed a complaint to take action against the respondent's wife and five others, but the respondent Police refused to register a case against them. Therefore, the 1st petitioner had filed a petition before this Court in Crl.O.P.No.28943 of 2013 before this Court seeking direction to register the F.I.R. This Court by an order dated 08.11.2012 has disposed of the case with a direction to the respondent police to register the case.

5.On a perusal of the complaint, it is seen that the respondent and his wife is running the company for the past 14 years in the residential premises without proper approval of the concerned authorities and creating disturbance to the public and school going children which lead to serious health consequences. Due to illegal discharge of untreated effluents into the storm drain on a daily basis they consume approximately one tank of water every week, so water pollution is taking place. It is also alleged that the sludge emanating from the process is illegally buried deep in the ground, so ground pollution is taking place and also the fumes emanating into the atmosphere pollutes the air and air pollution is taking place. Though the petitioners requested the respondent several times to vacate the premises, the respondent did not response. Thus, in order to wreck vengeance, the respondent has filed the present complaint against the petitioner.

6.However, on reading of the complaint, Paragraph 8 of the complaint specifically states that on 22.11.2013, the petitioner brought the JCB vehicle and demolished the toilets and the damages worth about Rs.25,000/- and also abused the respondent

and threatened him and his wife with dire consequences. Therefore, the respondent filed a private complaint against the petitioner. Once there is prima facie allegation against the petitioner, it is for the learned Magistrate to find out the truth. The veracity of the allegations can be done only after the completion of the enquiry by the Magistrate. It is for the Magistrate to find out whether the complaint is filed with an ulterior motive or for a genuine reason. Under such circumstances, this Court is not inclined to quash the complaint in C.C.No.190 of 2014, pending on the file of the learned Judicial Magistrate No.II, Coimbatore.

7. Accordingly, this Criminal Original Petition is dismissed. However, the petitioners are at liberty to raise all their defense before the learned Judicial Magistrate No.II, Coimbatore, during the enquiry in the private complaint. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

Rm

To:

The Judicial Magistrate-II,
Coimbatore.

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CrI.O.P.No.21741 of 2014

GP(CO)
GS(19/05/2020)

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