

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.06.2020****CORAM:****THE HONOURABLE MR.JUSTICE B.PUGALENDHI****Cr1.O.P.(MD)No.6600 of 2020**

A.Sheik Farooq

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai.

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C., Praying to direct the respondents not to harass the petitioner under the guise of enquiry by interfering in civil dispute.

For Petitioner	:	M/s.P.Yasmin Begum
For Respondents	:	Mr.K.K.Ramakrishnan, Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed seeking a direction to the respondents not to harass the petitioner under the guise of enquiry by interfering in civil dispute.

2. The learned counsel for the petitioner submits that the petitioner is a tenant under one Syed Ghouse Mydeen, son of S.M.Mahaboob Basha with regard to the commercial complex at door no.2/80-2C, Melapanangadi Main Road, Madurai and he is also running a fancy cum electrical store in the name and style of "Bismi Fancy Store". According to him, the land lord attempted to evict him forcibly without following due process of law and therefore, the petitioner has filed a Civil Suit before the District Munsif Court, Melur, in O.S.No.177 of 2019 seeking injunction and also sought for interim injunction in I.A.No.1 of 2019 and while so, in order to evict him, the land lord adopted a method of foisting a false complaint against the petitioner before the second respondent police with the intention to harass the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The learned Additional Public Prosecutor, on instructions, submits that it is not the question of any tenancy between the petitioner and Syed Ghouse Mydeen and as a friend he was in



occupation and even without paying any rent, the petitioner is occupying the property illegally and has also filed a suit with false averments to evade any payment of rent and the mother of the land lord namely Jani Begam, who approached the petitioner for a rent was abused, pushed down and also criminally intimidated on account of which, Jani Begam lodged a complaint on 08.06.2020, before the second respondent police and the same was pending and treated as petition enquiry in C.S.R.No.253 of 2020 dated 08.06.2020 and a summon was also issued to the petitioner under Sections 91 and 160 Cr.PC. calling for enquiry. The petitioner, in order to evade the enquiry before the second respondent police, has approached this Court by way of filing this petition.

4. Mr.R.Anand, the learned counsel for the defacto complainant has also sought permission of this Court to file an impleading petition and submits that there is no tenancy agreement between the petitioner and land lord Syed Ghouse Mydeen and it is only an entrustment in a friendly manner and taking advantage of this, the petitioner has taken possession of the property and is also evading to pay any rent for the said premises. He also referred that a Civil Suit was filed and even according to the petitioner, there is no tenancy record. He further submits that it is the case of a 73 years old woman who was abused and also criminally intimidated while she demanded for rent for the said building.

5. Heard the learned counsel appearing on either side and also perused the materials available on record.

6. It is seen that the petitioner is neither cooperating for enquiry before the second respondent police nor paying any rent to the land lord and filed this petition to evade the enquiry before the second respondent police. Hence the petitioner is not entitled to get any relief as sought for. Accordingly the Criminal Original Petition is dismissed. The petitioner is at liberty to workout his remedy before the appropriate forum in accordance with law.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/ssl

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



1. The Deputy Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Alanganallur Police Station,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No. 6600 of 2020
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AP(03/07/2020) 3P 4C