



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13807 of 2020

Selvam

:Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Deputy Superintendent of Police,
Kandavarayan Road,
Thirupathur Taluk,
Sivagangai

3.The Inspector of Police,
Thirupathur Town Police Station,
Sivagangai.

4.Chandran
The Sub Inspector of Police (Law & Order),
Thirupathur Town Police Station,
Sivagangai.

5.Selvaraj

:Respondent Nos.1 to 5

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 3 & 4 and his subordinates not to harass the petitioner at the instance of the 5th respondent under the guise of enquiry.

For Petitioner : Mr.V.Devakumar

For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondents 3 & 4 and his subordinates not to harass the petitioner at the instance of the 5th respondent under the guise of enquiry.

2.The learned counsel for the petitioner would submit that the petitioner is a farmer by profession. That on 20.10.2016, the petitioner entered into a house lease agreement with one Baskaran, who is the brother of 5th respondent herein, in which the 5th respondent's wife has signed as witness. The lease amount was



fixed as Rs.2,00,000/-. On 21.01.2019, the second lease agreement was entered between the same parties. While that being so, the 5th respondent's brother Baskaran died. Thereafter, the 5th respondent started threatening the petitioner to vacate the house immediately without due notice and even without returning the amount. According to the petitioner, the 5th respondent has given complaint against the petitioner and the petitioner has called for enquiry. On 09.11.2020, the petitioner appeared before the 4th respondent for enquiry. During the course of enquiry, the petitioner has shown the lease agreement, wherein, it was agreed by both the parties that on return of Rs.2,00,000/-, the petitioner will have to vacate the house. But, the 4th respondent had threatened the petitioner to vacate the house immediately by accepting a meagre amount, whichever is given by the 5th respondent's wife. Hence, the petitioner has given representation to the 1st and 2nd respondents on 18.11.2020. Since no action has been taken, the petitioner is before this Court with this Criminal Original Petition.

3.The learned Additional Public Prosecutor on instructions would submit that based on the 5th respondent's wife's complaint, the petitioner and the 5th respondent were called for enquiry and finding that it was a landlord-tenant dispute, the enquiry was closed directing the parties to approach the civil forum for their remedy.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the submissions on either side and considering the nature of the complaint, this Criminal Original Petition is closed and the petitioner as well as the 5th respondent are to approach the appropriate forum for their remedy.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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.

To

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.



2.The Deputy Superintendent of Police,
Kandavarayan Road,
Thirupathur Taluk,
Sivagangai

3.The Inspector of Police,
Thirupathur Town Police Station,
Sivagangai.

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

+1 CC to Mr.V.DEVA KUMAR, Advocate (SR-24014[F] dated 04/12/2020)

Crl.O.P. (MD) No.13807 of 2020
02.12.2020

VB (15.12.2020) 3P 6C