

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CrI.R.C.No.247 of 2021

Mr.Arfat Mohammed.A

... Petitioner

Vs.

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet,
Chennai,
Tamil Nadu - 600 007.

2. The Inspector of Police,
B1 Police Station,
North Beach Road,
Parrys, George Town,
Chennai - 600 001.

... Respondents

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., praying to set aside the order of the VII Metropolitan Magistrate, George Town, dated 29.01.2021 in CrI.M.P.No.1 of 2021 and consequently direct the 2nd respondent police to register the FIR against the accused persons in accordance with law.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.J.C.Durairaj
Counsel for Government of
Tamil Nadu (CrI. Side)

O R D E R

The Criminal Revision Case has been filed against the order of the learned VII Metropolitan Magistrate, George Town, Chennai, dismissing the petition filed by the petitioner under Section 156(3) Cr.P.C.

2.The case of the petitioner is that the accused had approached the complainant/petitioner for grant of lease in respect of Ground Floor of the property situated at New No.175, Old No.85, Angappa Naicken Street, Mannady, Chennai-1, for running Hotel business and they entered into a rental agreement in respect of the Ground Floor of the property. Later on, the accused started encroaching the front corridor as well as the First Floor of the property. When questioned, the accused threatened the complainant of dire consequences with the help of goondas. They have also not paid the rental arrears to the tune of Rs.2,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the accused are land grabbers and they have committed the offences under Sections 406, 420, 120(b), 441, 34 r/w. 506 IPC, however, the learned Magistrate has dismissed the complaint merely based on delay, and prays for setting aside of the order.

4.The learned counsel for Government of Tamil Nadu (Crl. Side) appearing for the respondents submitted that the entire case arises out of civil dispute and the complainant has already filed RCOP Proceedings against the accused for eviction.

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

6.On a perusal of the impugned order, it is seen that the learned Magistrate, after considering the entire materials, has found that the entire case is arising out of civil dispute, and in fact, RCOP has also been filed by the complainant against the accused, besides, the complaint has been filed belatedly after six years, and hence, dismissed the petition. Admittedly, the petitioner has filed RCOP proceedings and has got an order, but, now he has come forward with the allegation that there is an encroachment of the portion other than the rented area by the accused for more than six years. However, the complaint has been filed after six years.

7.Be that as it may, the petitioner has not worked out the Rent Control order so far. Though this Court is not inclined to dwell on the merits of the case, this Court is of the view that the entire allegations appear to be civil in nature, and in any event, the learned Magistrate has applied her mind and has dismissed the petition. Therefore, this Court finds no infirmity or irregularity in the order, warranting interference.

8. Accordingly, this Criminal Revision Case is dismissed. However, liberty is granted to the petitioner to file a private complaint under Section 200 Cr.P.C. and establish his right by producing necessary evidence before the Court.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mkn/ssr
To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet,
Chennai,
Tamil nadu - 600 007.
3. The Inspector of Police,
B1 Police Station,
North Beach Road,
Parrys, George Town,
Chennai - 600 001.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.J.Prakasam, Advocate Sr.27429

Cr1.R.C.No.247 of 2021

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srg 14/07/2021

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