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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 8/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 24719 of 2017

a n d

Crl.M.P.Nos.14287 and 14288 of 2017

1 K. Nandagopalakrishnan
2 N Saravanasankar
3 Ajmal @ Noor Mohamed

...Petitioners

Vs

S Anbumani

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.76 of 2015 on the file of the learned Judicial Magistrate Nol, Panruti and quash the same.

For petitioners ... Mr.B. Gopalakrishnan

For respondent ... No appearance

O R D E R

This Criminal Original Petition has been filed, to quash C.C.No.76 of 2015, pending on the file of the learned Judicial Magistrate Nol, Panruti.

2. The crux of the prosecution case is that the defacto complainant is a tenant under A.1. During the month of June 2014, A1 demanded the defacto complainant to vacate the premises, which resulted in filing of a suit, in O.S.No.142 of 2014. On 6/7/2014, the accused fixed the name board in front of the shop and occupied the premises, in respect of which complaint was filed on 6/4/2014, in C.S.R.No.255 of 2014. On 13/8/2014, A.1 and A.2 break open the wall of the shop of the defacto complainant and took away the things, and cash, totally worth about Rs.9,00,000/-. When the defacto complainant, questioned the same, accused abused the defacto complainant.

3. Heard the learned counsel appearing for the petitioners and there is no representation on behalf of the respondent.



4. Learned counsel appearing for the petitioners submitted that the entire complaint is the result of landlord and tenant dispute. The entire allegation is taken on its face value do not constitute an offence. The defacto complainant wants to convert the civil case into criminal case. The petitioners said to have abused the defacto complainant is highly improbable. Hence submitted that the entire prosecution is liable to be quashed.

5. Materials placed before this Court would clearly indicate that there is a suit pending before the learned District Munsif Court, Panruti, between the landlord and tenant in O.S.No.142 of 2014. The allegation primarily indicate as if the land lord with A2 and A.3 trespassed into the shop of the defacto complainant and committed a theft of some articles and cash worth about Rs.15,000/- on 13/8/2014. But on 26/11/2014, the accused has made a oral threat. The complaint is silent about the nature of the medicines removed from the shops and how they entered into the shop, no materials were available on record. Further without making any complaint before the Police immediately, the conduct of waiting till 26/11/2014 is also highly improbable.

6. Having regard to the above facts, this Court is of the view that the very complaint itself is a result of civil dispute between the landlord and tenant. In such a view of the matter, this Court is inclined to quash C.C.No.76 of 2015.

7. Accordingly, this Criminal Original Petition is allowed. C.C.No.76 of 2015, pending on the file of the learned Judicial Magistrate No.I, Panruti, is quashed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Judicial Magistrate No1,
Panruti.

+1cc to Mr.B.Sundarapandiyan, Advocate, S.R.No.64958

Cr1. O.P. No. 24719 of 2017

GSM[co]
NSK 23/12/2021