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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.29832 of 2015

and

CrI.M.P.Nos.10748 of 2016 & 3484 of 2017

V.V.Chandran

...Petitioner / Accused

Vs

R. Shaik Abdullah

...Respondent / Complainant

Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records of the private complaint in C.C.No.7166 of 2014 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai- 8 and quash the same.

For petitioner ... Mr. P. Rathinavel

For respondent ... Mr. Al Arfeen Ahmed,
for Mr. M.B.Mushtaque Ahamed

ORDER

This Criminal Original Petition has been filed to quash the criminal complaint filed under Section 499 of IPC against the petitioner.

2. The case of the respondent/complainant is that, the respondent/complainant is a tenant under the petitioner/accused, and a rent control proceedings are pending between the parties before the Rent Control Court. The present complaint has been filed on the ground that pending rent control proceedings, the petitioner/landlord said to have given a complaint before the Inspector of Police, Ayanavaram Police Station, Chennai, alleging that, in the demised premises, the complainant/tenant is creating problems with other tenants, who are residing in the same premises, using unparliamentary words. That apart, the complainant/tenant, has sub-let the premises to third parties, who are totally strangers and their conduct is also suspicious. Apart from that, it is also stated in the complaint, that the complainant/tenant, has some illegal connection with the strangers, who are staying in the demised premises. Hence, the petitioner requested the police to give protection to him and



also see the status of the persons, who are occupying the petitioner's premises.

3. Alleging that, the above complaint given by the petitioner/landlord is perse defamatory and, the complaint has been given in order to defame the name of the respondent/complainant, he has filed a complaint before the Chief Metropolitan Magistrate, Egmore, Chennai. Earlier, the learned Chief Metropolitan Magistrate, has dismissed the complaint stating that there is no specific allegation against the petitioner/landlord and no prima facie case is made out to take cognizance. Challenging the order, the respondent/tenant filed a revision before the Sessions Court, Chennai and the Revisional Court set aside the order of dismissal and directed the Chief Metropolitan Magistrate to take cognizance and issue process. Pursuant to the order, the Chief Metropolitan Magistrate took cognizance and issued process. Now, to quash the same, the present petition has been filed.

3. The learned counsel for the petitioner/landlord would submit that the petitioner, being the landlord of the premises, has let out the same to the respondent/complainant and the respondent has sub-let the premises to the third parties, without his knowledge, the movement of those persons are suspicious. In the above circumstances, the petitioner only sought for protection before the police and also to find out the status of the persons, who are occupying the premises. He has no intention to defame the respondent/complainant. Since the respondent/complainant's wife, being an advocate, with an intention to harass the petitioner, the present complaint has been filed. That apart, the learned counsel also submitted that since there was arrears of rent, he approached the Rent Controller, and as per the order passed by the Rent Controller, the respondent/complainant has deposited the rent, now, in order to avoid eviction, the present complaint has been filed.

4. Per contra, the learned counsel for the respondent vehemently contend that, the petitioner/accused has filed the complaint making very serious allegations against him is highly defamatory and he has given the complaint only in order to defame him. Hence, the Court below has rightly taken cognizance and issue process and there is no reason to interfere with same. The learned counsel further submitted that the respondent has deliberately filed a police complaint to harm the reputation of the respondent/tenant and especially, with an intention to harass him and evict him from the lease hold premises.

5. This Court considered the rival submissions made on either side and perused the materials available on records carefully.



6. The petitioner herein is the land-lord and the respondent is a tenant. Admittedly, rent control proceedings are pending between the parties before the learned Rent Controller, Chennai. Now, the present complaint has been filed based on a complaint said to have given by the petitioner before the Ayanavaram Police Station, alleging that the respondent/complaint has sub-let the premises to third parties and the movements of those persons are suspicious and hence, he approached the police and sought for protection and also requested the police to verify the status of the persons, who are staying in the premises. Further, on a perusal of the complaint, it could be seen that the accused has clearly stated that he has no intention to give a complaint against the respondent and he only wants to verify the status of the persons, who are staying there. The relevant portion of the complaint reads as follows:-

" "it is not with any intention that I am giving this complaint about Mr. Sheikh Abdullah, the said fact can be verified by you from other tenants in the apartments or from the adjacent apartments. "

7. From the above, it is clear that the intention of the petitioner is only to find out the status of the strangers, who alleged to have been staying in his premises and he has no intention to harm the reputation of the respondent. Apart from that, the allegations are only against those persons, who are stated to be stayed in the petitioner's premises and not against the respondent. In the above circumstances, this Court is of the view that the statement made in the complaint, no way harm the reputation of the petitioner and hence, no offence has been made out under Section 499 of IPC and hence, the complaint is liable to be quashed.

8. Accordingly, this Criminal Original Petition is allowed and the the case against the petitioner in C.C.No.7166 of 2014 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp



To

The Chief Metropolitan Magistrate,
Egmore, Chennai.

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+1cc to Mr. P. Rathinavel , Advocate, S.R.No.2906

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PCH[co]
NSK 09/02/2022