



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)Nos.1138, 658 & 672 of 2022,
20631 & 20811 of 2021

and

W.P(MD)No.22596 of 2021

and

Cr.M.P(MD)Nos.478 & 821 of 2022,
11918 of 2021

Cr1.O.P(MD)No.1138 of 2022:

1.V.Veeramani
2.S.Ramachandran
3.S.Prakash @ Serapu Prakash
4.G.Raja @ Ettu Raja

... Petitioner Nos.1 to 4/
Accused Nos.1 to 4

Vs.

1.The State represented by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.
(Crime No.681 of 2021)

... 1st Respondent/Complainant

2.A.Sekar

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR in Crime No.681 of 2021 on the file of the first respondent and to quash the same so far as the petitioner is concerned.

For Petitioners : Mr.Niranjana S.Kumar

For Respondents : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor for R.1

Cr1.O.P(MD)No.658 of 2022:

1.V.Veeramani
2.Karthick



4.S.Ramachandran

... Petitioners/ Accused Nos.3 to 6

Vs.

The State represented by
The Inspector of Police,
C2-Subramaniyapuram Police Station,
Madurai City.
Madurai.
(Crime No.600 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the FIR in Crime No.600 of 2021 on the file of the respondent police and to quash the same.

For Petitioners : Mr.Niranjana S.Kumar
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

Crl.O.P(MD)No.672 of 2022:

1.Sekar
2.Roselin
3.M.Muthuvel

... Petitioners/Accused Nos.1,2 & 4

Vs.

1.The State represented by
The Inspector of Police,
C2-Subramaniyapuram Police Station,
Madurai City.
Madurai.
(Crime No.680 of 2021)

... 1st Respondent/
Complainant

2.Vivek

...2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the FIR in Crime No.680 of 2021 on the file of the first respondent police and to quash the same against the petitioners.

For Petitioners : Mr.N.P.Balamurugan
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1



Cr1.O.P(MD)No.20631 of 2021:

M.Vivek

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
Thideer Nagar Circle,
Madurai.

3.The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

4.Veeramani

5.A.L.Sekar

6.Roslin

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents 1 to 3 to give adequate police protection to the petitioner's life and limb from the hands of respondents 5 and 6 and their henchmen.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor for R.1 to R.3

Cr1.O.P(MD)No.20811 of 2021:

V.Veeramani

... Petitioner/ B Party

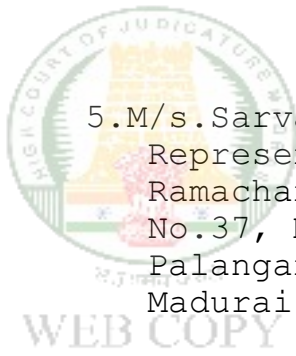
Vs.

1.The Sub Division Magistrate Cum Revenue Divisional Officer,
Tirumangalam,
Madurai District.

2.The State represented by
The Inspector of Police,
C2-Subramaniyapuram Police Station,
Madurai.
(Crime No.600 of 2021)

3.Roslin

4.A.L.Sekar



5.M/s.Sarva Center Business Service Private Limited,
Represented by Managing Director,
Ramachandren,
No.37, Madakulam Main Road,
Palanganatham,
Madurai - 625 003.

6.B.Jagadis Kumar

7.Rushi Cafee,
Represented by M.Vivek,
No.37, Madakulam Main Road,
Palanganatham,
Madurai - 635 003.

8.Arokiya Health Store,
Represented by K.Karthik,
No.46, Mullai Nagar,
3rd Street,
Virattipathu,
Madurai - 16.

... Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with the impugned proceeding issued by the first respondent herein vide Na.Ka.No.3893/2021/A1 dated 17.12.2021 and quash the same.

For Petitioner : Mr.S.Murugaganesan
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1 & R.2

W.P(MD)No.22596 of 2021:

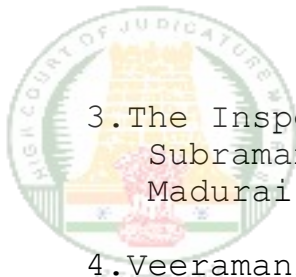
M/s.Sarvacenter Business Services Private Limited,
Represented by its Director,
S.Ramachandran,
37, Madakkulam Main Road,
Palanganatham,
Madurai - 625 003.

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
Thideer Nagar Circle,
Madurai.



3.The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

4.Veeramani
5.A.L.Sekar
6.Roslin

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to grant adequate police protection to the petitioner and to enable the petitioner to peacefully carry on its business activities and occupation of 500 sq.ft. of super built-up area on the western side of the ground floor and 19000 sq.ft. super built-up area in the first, second, third and fourth floor in the premises at 37, Madakkulam Main Road, Palanganatham, Madurai - 625 003, without any illegal interference from respondents 5 and 6 and/or thier hencemen.

For Petitioner	: Mr.A.R.L.Sundaresan Senior Counsel for Mr.A.L.Ganthimathi.
For Respondents	: Mr.M.Sakthi Kumar Government Advocate (Criminal Side) for R.1 to R.3

COMMON ORDER

Heard the learned counsel on either side.

2. All these Petitions pertain to the premises bearing Door No.37 in R.S.No.157/4 situated at Madakulam Main Road, Palanganatham, Madurai. The building belongs to one Jegadeesan. The said Jegadeesan entered into a lease arrangement with Veeramani and the possession of the property was handed over to him. In turn, Veeramani is said to have entered into sub lease arrangement with A.L.Sekar and his wife Roslin. According to Veeramani, the sub-lessee, namely, A.L.Sekar and Roslin vacated the tenanted premises and that he leased out the same in favour of three persons, namely, M.Vivek, Arokya Health Stores and Ramachandran. However, Sekar and his wife, Roslin took the stand that they never vacated the premises in question and they filed O.S.No.621 of 2020 on the file of the Sub Court, Madurai. In view of the dispute raised by Sekar and his wife Roslin, FIRs came to be registered in Crime Nos.680 and 681 on the file of C2-Subramaniapuram Police Station, Madurai District. The Inspector of Police, C2-Subramaniapuram Police Station also *suo motu* registered an FIR under Section 145 Cr.P.C. Based on the proposal given by the jurisdictional Police, jurisdictional Revenue Divisional Officer also initiated proceedings under Section 145 Cr.P.C. Sarva Center Business Service Private Limited, who are also lessees of a portion of the building complained that because of the dispute between the sub-lessee and the Principal lessee, they were not able to access their business premises. In this background, the



aforesaid petitions came to be filed.

3. Crl.O.P.(MD)No.1138 of 2022 and Crl.O.P.(MD)No.20811 of 2021 are directed against the initiation of proceedings under Section 145 Cr.P.C. Crl.O.P.(MD)No.672 of 2022 and Crl.O.P(MD)No.658 of 2022 have been filed for quashing the FIRs in Crime Nos.680 and 681 of 2021 registered on the file of C2-Subramaniyapuram Police Station. W.P.(MD)No.22596 of 2021 has been filed by Sarva center Business Service Private Limited, seeking police protection to enable them to access their business premises. Crl.O.P.(MD)No.20631 of 2021 has also been filed for the relief of police protection.

4. I had granted an interim order restraining the jurisdictional Revenue Divisional Officer from proceeding with the matter. In the meanwhile, during the pendency of these petitions, the parties have amicably resolved the issues amongst themselves. A joint memo of compromise has also been filed. Thiru. Veeramani recognizes that Vivek is very much his tenant .

5. Mr.N.P.Bala Murugan, learned counsel for A.L.Sekar and Roselin states that they have also withdrawn the civil suit filed by them before the jurisdictional Sub Court and that they have no subsisting grievance. Since all the contesting parties have resolved the issues amongst themselves, the criminal prosecution as well as proceedings under Section 145 Cr.P.C need not continue.

6. In this view of the matter, Crl.O.P.(MD)Nos.1138 and 20811 of 2021 are allowed and the proceedings under Section 145 Cr.P.C stand quashed. Crl.O.P.(MD)Nos.672 and 658 of 2022 filed for quashing Crime Nos.680 and 681 of 2021 on the file of C-2 Subramniapuram Police Station, are allowed and the impugned FIRs stand quashed. Since the issues have been resolved, there is no need to order grant of police protection. Crl.O.P.(MD)No.20631 of 2021 is disposed of accordingly. In view of the amicable resolution of the issues, no orders are necessary in W.P(MD)No.22596 of 2021. It is accordingly closed.

7. The police had to step in because there were law and order implications. Now that the parties have buried the hatchet, the police need not interfere in the matter. The parties are at liberty to open their respective premises. Consequently, connected miscellaneous petitions are closed.

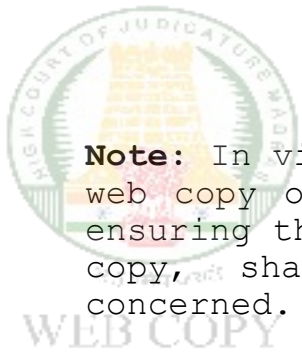
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Sub Division Magistrate Cum Revenue Divisional Officer,
Tirumangalam,
Madurai District.

2.The Inspector of Police,
C2-Subramaniyapuram Police Station,
Madurai City.

3.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

4.The Assistant Commissioner of Police,
Thideer Nagar Circle,
Madurai.

5.The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

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

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-2496[F] dated
25/01/2022)

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-2993[F] dated 28/01/2022)

CrI.O.P(MD)Nos.1138, 658 & 672 of 2022,
20631 & 20811 of 2021 and
W.P(MD)No.22596 of 2021
25.01.2022

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