



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Sixth day of April Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.11292 of 2021

IN

CRL OP(MD) No.15614 of 2021

EVANGLINE JAYACHITHRA

... PETITIONER/DEFACTOR
COMPLAINANT

Vs

1. STATE REP.BY
THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY CITY, TRICHY.
(CRIME NO.397/2021)

...1ST RESPONDENT/RESPONDENT/
COMPLAINANT

2. Fr. SAVARIAPPAN
3. MARY STELLA

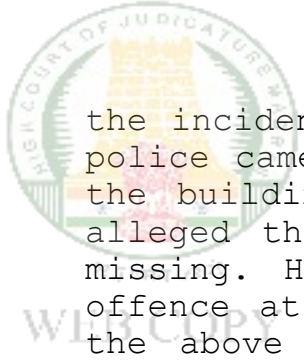
...2nd & 3rd RESPONDENTS/
PETITIONERS/ACCUSED NO.1 & 2

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted by this Hon`ble Court Crl.O.P (MD) No.15614 of 2021 dated 28.10.2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VADIVELAN T, Advocate for the petitioner and of M/S.T.SENTHIL KUMAR, Additional Public Prosecutor for Respondent 1 and M/S.G.IRUDAYASAMY, for Intervenor (Respondents 2 and 3), the court made the following order:-

This miscellaneous petition is filed by the petitioner/ the *de facto* complainant in Crime No. 397 of 2021 on the file of the respondent police to cancel the anticipatory bail granted by this Court to accused Nos.2 and 3 in Crime No. 397 of 2021 on 28.10.2021 in Crl.O.P(MD)No.15614 of 2021.

2.The petitioner claiming to be the Secretary of a public trust, lodged the complaint in Crime No.397 of 2021 on 20.09.2021 that on 20.09.2021 at about 9.00 am, one Manikandan claiming to be the Manager of their building intimidated the petitioner and the students studying in the trust. The petitioner orally complained of



the incident by dialling the police helpline number 100 and when the police came to the spot, the said Manikandan was having the key of the building and he only opened the class rooms. The complainant alleged that the table, chairs, computers and other records were missing. Hence by apprehending that the Manikandan committed the offence at the instance of private respondents herein, she lodged the above complaint before the respondent police. The respondent Police treated the complaint as petitioner enquiry in CSR No.263 of 2021 on 20.09.2021 and thereafter registered the case in Crime No.397 of 2021 on 24.09.2021 for the offences punishable under Sections 294(b), 506(i), 427 and 380 IPC and under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

3.Apprehending arrest, the respondents 2 and 3 herein moved an anticipatory bail application before this court in CrI.O.P(MD) No.15615 of 2021, wherein this Court considering the facts and circumstances of the case, the nature of allegations levelled against them and on the basis of the recovery of stolen articles, by order dated 28.10.2021 granted anticipatory bail to the accused/respondents 2 and 3.

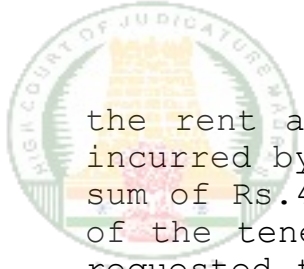
4.According to the petitioner, the respondents 2 and 3 have once again indulged in offence on 06.11.2021. For this incident, the petitioner has lodged a complaint before respondent police on 06.11.2021 and the same is under enquiry in CSR No. 297 of 2021 on the file of the respondent police.

5.Therefore, this miscellaneous petition has been filed by the petitioner to cancel the anticipatory bail granted to the accused respondents 2 and 3 on the ground that they have misused the liberty and they indulged in further offence on 06.11.2021.

6.On receipt of notice of this application, the respondents 2 and 3 filed a counter affidavit stating that this petition is filed only to harass them and to avoid vacating the respondent building.

7.According to the learned counsel to the respondents 2 and 3, the third respondent is running a Society in the name of Agro Human Development Welfare Society, which was established in the year 1988. This society runs an institution for the welfare of the poor children and needy people. One Ramachandran approached the second respondent, claiming that he is running a trust namely Pearl Trust and conducting short term classes for poor and needy students through the trust, requested the second respondent to rent a building for his public trust for a period of one year. Impressed upon it, the second respondent also entered into a lease agreement on 01.09.2020 with the said Ramachandran, the Managing director of Pearl foundation to an extent of 720 square feet for a period of one year.

8.The learned Counsel for respondents 2 and 3 further submits that the tenant Ramachandran, who is also an Advocate, failed to pay



the rent as agreed, but demanded a sum of Rs.66,555/- as expenses incurred by him towards maintenance work of the building and another sum of Rs.45,000/- as professional charges. Considering this conduct of the tenant, the second respondent by his letter dated 23.08.2021 requested the tenant to vacate the premises. However, in reply, the tenant by levelling false allegations has further demanded a huge amount of Rs.5,00,000/- to vacate the premises. While so, the second respondent lodged a complaint as against the tenant Ramachandran before the respondent police on 21.09.2021.

9.The learned Additional Public Prosecutor appearing for the State submits that the subsequent complaint of the petitioner dated 06.11.2021 was treated as petition enquiry, since the dispute is between the landlord and tenant.

10.This Court considered the rival submissions made and also perused the materials placed on record.

11.Admittedly the petitioner is the Secretary of the Pearl Trust and the said Pearl Trust, through its Managing Director one Ramachandran, entered into a lease agreement with the second respondent on 01.09.2020.

12.The respondents 2 and 3 have placed reliance on the following documents:

- 1.The lease agreement dated 01.09.2021 entered between the respondent No.3 with one Ramachandran;
- 2.Letter dated 20.07.2021 sent by Ramachandran to the third respondent to pay the additional expenses and professional charges;
- 3.Letter dated 05.09.2021 sent by the second respondent to Ramachandran to vacate and to pay the arrears of rent.
- 4.Legal notice dated 05.09.2021 sent by the second respondent to Ramachandran, to vacate the premises.
- 5.Complaint dated 21.09.2021, lodged by the second respondent to the Commissioner of Police, Trichy,
- 6.Copy of the FIR in Crime No.397 of 2021.
- 7.Complaint lodged by the second respondent to the Commissioner of Police, Trichy on 05.11.2021.

13.Perusal of the records discloses that Advocate by name Ramachandran has entered into a lease agreement with the second respondent on 01.09.2020. The lease is for 11 months and the relevant paragraphs of the lease agreement are extracted as under:



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"3] The tenant shall pay the sum Rs.7,000/- (Rupees Seven Thousand only) per month towards rent which is exclusive of electricity charges and the rent is payable on or before the 10th of every calender month without any default or excuse.

4] The tenant has deposited a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards advance to the landlord which is refundable at the time of vacating premises.

7] The rental agreement is valid for a period of 11 months only commencing from 1st day of September 2020 ending with 31st day of August 2021.

8] That the rental agreement is renewable at the option of landlord at the termination of tenancy.

9] The landlord would intimate if he requires the leased out premises for his own possession and occupation".

14. Though the lease period is over on 31.08.2021 itself and the Pearl Trust, which is providing free legal aid through its Managing Director Ramachandran, failed to comply with the terms and conditions of the lease agreement, dated 01.09.2020. The landlord alleges that the tenant has paid only one month rent and the arrears of rent for the tune of Rs.70,000/- is due. The Advocate / tenant did not refute the same, instead made a counter claim that the landlord has to pay a sum of Rs.66,555/-, for the maintenance work done by him and also a sum of Rs.45,000/- as professional fee.

15. It is not known as to whether the repair works / maintenance works were carried out by getting permission of the land lord. The landlord has also requested the tenant Ramachandran / Advocate to vacate the premises on the expiry of the lease, by his letter dated 23.08.2021. As per the agreement of the tenancy, the rental agreement is renewable only at the option of landlord at the expiry of the tenancy period, which is on 31.08.2021. As per the above clause, the lessee is expected to vacate the premises on the expiry of the tenancy. Instead of vacating the premises, it appears the tenant chose to lodge a complaint and after this Court granted anticipatory bail to respondents 2 and 3, lodged another complaint and filed this application to cancel the earlier order of anticipatory bail, based on the subsequent complaint which is yet to be registered by the respondent police. There is an allegation from the landlord that the tenant Ramachandran/ Advocate has demanded Rs.10 lakhs to vacate the premises.



16. Perusal of records discloses that the petitioner and Ramachandran Managing Director of Pear Trust Foundation / tenant to the second respondent used the Police and the Court, to avoid evicting the premises. Therefore this Court is not inclined to entertain this petition and inclined to dismiss this petition with cost.

17. Accordingly, this petition is dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand), which has to be paid by the petitioner to the Government Yoga and Naturopathy Medical College and Hospital, Arignar Anna Government Hospital of Indian Medicine campus, Arumbakkam, near Anna Arch, Chennai - 600 016 within a period of two weeks from the date of receipt of a copy of this order. The amount paid by the petitioner shall be utilised by the Medical College and Hospital for research activities in Naturopathy.

Sd/-
06/04/2022

/ TRUE COPY /

09/06/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

TO

1. THE ADDITIONAL MAHILA JUDGE,
JUDICIAL MAGISTRATE LEVEL, TRICHY CITY.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY CITY, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO:

THE GOVERNMENT YOGA AND
NATUROPATHY MEDICAL COLLEGE AND HOSPITAL,
ARIGNAR ANNA GOVERNMENT HOSPITAL OF
INDIAN MEDICINE CAMPUS, ARUMBAKKAM,
NEAR ANNA ARCH, CHENNAI - 600 016

+1. C.C. to M/S.VADIVELAN T Advocate SR.No.3074

+1. C.C. to M/S.G.IRUDAYASAMY, Advocate SR.No.3142

ORDER

IN

CRL MP (MD) No.11292 of 2021

IN

CRL OP (MD) No.15614 of 2021

Date :06/04/2022

SP/JM/SAR II/09/06/2022/6P/8C