



Crl.R.C. No. 97 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

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A.Abdulla Basha

...Petitioner

Vs.

1. The Inspector of Police,
J6, Thiruvanmiyur Police Station,
Thiruvanmiyur,
Chennai 600 041

2. Arjunan

3. A. Bhuvanesh

...Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. against the order dated 19.10.2022 in Crl.M.P. No.16706 of 2022, on the file of the XVIII Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.S. Haja Mohideen Gisthi

For R1 : Mr. R.Vinothraja
Government Advocate (Crl. Side)

For R2 & R3 : Mr. N. Ramesh

ORDER

Challenge in this Criminal Revision is made to the orders dated 19.10.2022 in Crl.M.P. No.16706 of 2022, on the file of the



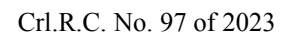
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WEB COPY XVIII Metropolitan Magistrate, Saidapet.

2. The case of the complainant in a nutshell is as follows:

2.1. The complainant is a tenant at Door No.42, No.133, Muttukkadu, ECR Road, Srinivasapuram, Thiruvannamiyur, Chennai, under the Landlady Mrs. Baby, wife of the 2nd respondent Arjunan and mother of the 3rd respondent Bhuvanesh. The premises was let out to the complainant for commercial purposes and he was running a hotel in the name and style of 'Minar Biryani'.

2.2. After the Landlady Mrs. Baby died on 16.05.2021, the 2nd respondent directed the complainant to vacate the premises on the ground that the Government issued notice to him for acquisition of land for expanding the road for Highways. According to the complainant, though the respondents 2 and 3 promised to return the advance amount of Rs.12,00,000/- paid by him, they did not do so and when he approached them, they threatened him with dire consequences. He, therefore, filed a complaint before the 1st respondent Police on 01.08.2022 . Since no



3. Mr.S. Haja Mohideen Gisthi, learned counsel for the petitioner contended that the complainant, even in his notice dated 05.02.2022 to the accused, had specifically mentioned that both the accused threatened him with dire consequences and hence, the trial court was not only correct but also legally right in dismissing his complaint on the ground that it is not maintainable.



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WEB COPY civil in nature and therefore, prayed for allowing this Criminal Revision Case.

4. Per contra, Mr.A.Vinothraja, learned Government Advocate (Crl. Side) appearing for the 1st respondent Police contended that the complainant had vacated the premises even in the year 2022 after damaging the building. It is also his contention that, the respondents 2 and 3 sent a suitable reply to the legal notice dated 24/05/2022, in which it is clearly stated that they never threatened the complainant with dire consequences. In fact they have claimed a sum of Rs.9 lakhs from the present revision petitioner for renovating the premises which was damaged by the latter.

5. The main grievance of the complainant is that the respondents 2 and 3 have not returned his advance amount of Rs.12,00,000/- paid by him at the time of entering into a rental agreement. It is seen from the records that there were exchange of notices between the parties and if the complainant wants to recover the



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amount of Rs.12,00,000/-, he can approach a Civil Court, if so advised.

The allegations made by the complainant in his notice dated 24.05.2022 has been suitably replied by the respondents 2 and 3 and they have denied all the allegations made by the complainant. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court.

6. In the result,

- i. the Criminal Revision Case is dismissed.
- ii. the orders dated 19.10.2022 in Crl.M.P. No.16706 of 2022, on the file of the XVIII Metropolitan Magistrate, Saidapet, is confirmed.

21 .09.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga



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R. HEMALATHA, J.
bga

To

XVIII Metropolitan Magistrate, Saidapet.

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