



CrI.R.C.No.106 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

CrI.R.C.No.106 of 2022

M.Ramesh

... Petitioner

Vs.

K.A.Madurai Elavarasan

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 21.12.2021 in C.M.P.No.2049/2021 on the file of the learned Judicial Magistrate, Sriperumbudur.

For Petitioner : Mr.M.A.Mathew Berchmans

ORDER

Challenge in this revision is made to the orders dated 21.12.2021 in C.M.P.No.2049/2021 passed by the learned Judicial Magistrate, Sriperumbudur. The present revision petitioner filed a private complaint under Section 200 Cr.P.C. against the respondent/accused for the offences punishable under Sections 406, 506(i) IPC.



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

The property in D.No.5/148, Thangam Avenue Annexe, Sikarayapuram, Kovoore Post, Chennai-69 belongs to the revision petitioner's daughter who is residing in Singapore. The respondent was inducted as a tenant in the said property during the year 2019 for a period of 11 months. Though the period of lease expired on 17.01.2020, the respondent/tenant did not vacate the premises and therefore, the revision petitioner/complainant lodged a complaint with the Inspector of Police, T-14, Mangadu Police Station, Chennai against the respondent. Since the police did not take any action the revision petitioner filed a private complaint under Section 200 Cr.P.C. before the District Munsif Cum Judicial Magistrate, Sriperumbudur. The learned Judicial Magistrate, Sriperumbudur vide her orders dated 21.12.2021 dismissed the said petition by observing thus :

"The petitioner in this case has stated that he has leased the house property belonging to his daughter to the accused here in with effect from 21.02.2019 for initial period of 11 months



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accepting Rs.5 Lakhs as lease amount. On demand for vacation of the premises by the petitioner, the said issue Madurai Elavarasan, the accused refused to vacate and demanded back the above lease amount to be paid with Rs.65,000/- in addition to him. Hence petitioner preferred police complaint. In the mean while the accused was allowed to continue the lease of the premises for further period of one year. Even after the said additional period of the said one year the accused refused to vacate the premises and said to have demanded to pay additional amount. Hence the petitioner pleaded to take action against the accused.

The entire content of the form statement was perused. As such, the petitioner has not brought out any case of criminal content in this petition. No criminality was made out by the petitioner, the allegation is are of civil in nature. Hence, this petition is dismissed."

3. Mr.M.A.Mathew Berchmans, learned counsel for the revision petitioner contended that though the accused has to vacate the premises on the expiry of the lease period, he did not vacate and therefore, the revision petitioner was forced to lodge a complaint against the respondent. It is also his contention that the police summoned the



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accused and directed him to vacate the premises and though the respondent/accused in the police station gave an undertaking that he would be vacating the premises did not honour his commitment but filed a suit in O.S.No.44/2020 before the District Munsif, Sriperumbudur seeking for a relief of permanent injunction restraining the police officials as well as the present revision petitioner from evicting him from the premises except under due process of law. According to him, thereafter, the police did not take any action which forced the revision petitioner to file a private complaint before the same Court under Section 200 Cr.P.C.

4. A perusal of the records shows that the revision petitioner's daughter is the landlord and the respondent is the tenant. It is not known as to why the revision petitioner did not initiate proceedings under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Since the dispute between the parties is purely civil in nature the revision petitioner can very well approach a civil court for evicting the respondent from the premises, if so advised, and no criminal colour can be given to a civil



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dispute. The orders passed by the Trial Court Judge is perfectly in order and I do not see any reason to interfere with the same.

5. In the result, the Criminal Revision is dismissed as devoid of merits.

26.09.2023

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

To

The Judicial Magistrate, Sriperumbudur.



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R. HEMALATHA, J.
mtl

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