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Crl.O.P.No.12309 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12309 of 2023

and

Crl.M.P.No.7528 of 2023

S.Jasmine Juliet

...Petitioner

Vs.

1.The State,
represented by the Inspector of Police,
T-3, Korattur Police Station,
Chennai.

2.R.Kavitha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the First Information Report in F.I.R.No.466 of 2022 on the file of the Inspector of Police, T-3 Korattur Police Station, Chennai and quash the same.

For Petitioners : Mr.M.Vijayamehanath

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



Crl.O.P.No.12309 of 2023

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the First Information Report in F.I.R.No.466 of 2022 on the file of the Inspector of Police, T-3 Korattur Police Station, Chennai and quash the same.

2. It is the submission of the learned counsel for the petitioner that, 2nd respondent was inducted as a tenant in respect of property in Door No.18/S1, TNHB, Andaman Bhavan, Anna Nagar West Extension, Chennai – 600 101. The 2nd respondent was not paying the rent properly. Therefore, the petitioner instituted a suit in O.S.No.5394 of 2022 for recovery of rental arrears. 2nd respondent is not occupying the premises. However, false case is given against the petitioner and on that basis, First Information Report in Crime No.466 of 2022 is registered for the offences under Sections 457 and 380 IPC. Therefore, this petition is filed for quashment of First Information Report in Crime No.466 of 2022 on the file of the Inspector of Police, T-3 Korattur Police Station, Chennai.

3. In response, learned Government Advocate (Criminal side) submitted



Crl.O.P.No.12309 of 2023

that, without the knowledge of the 2nd respondent, the articles kept for running a hotel were removed/stolen by the petitioner and a TOLET board was put up that the building available for lease.

4. Considered the submissions and perused the records.

5. It is seen from the submissions of the learned counsel for the parties that, there is no dispute with regard to the fact that, petitioner is the owner of the aforesaid property and it was leased to the 2nd respondent. The First Information allegations show that, 2nd respondent spent a sum of Rs.3,50,000/- for improving the premises and for running a hotel in the name of “Sri Balaji Bhavan”. It is also stated that, articles necessary for running hotel like grinders, table, chair, gas stove, cooler, electronic name board, computer billing machine, cash counter, fan etc were purchased and kept in the premises. Due to COVID-19 lockdown in 2021, 2nd respondent husband suffered covid and they were not able to run the hotel and left to their native place. On 08.03.2022 at about 8.30 pm, when they returned to their hotel, they found that, the hotel was locked from outside and a TOLET board was put up. On seeing from the grill gate, it was found that, the place was empty



Crl.O.P.No.12309 of 2023

and the articles were not found in the premises. On enquiry, they came to know that petitioner's husband had removed the articles kept in the premises one week before. In such circumstances, this complaint was given and First Information Report was registered.

6. As already stated, there is no dispute with regard to the fact that, petitioner is the owner of the aforesaid premises and 2nd respondent was the tenant. The allegations against petitioner is that, without the knowledge of the 2nd respondent, petitioner's husband removed, rather stolen the articles used for running a hotel. When it is admitted that, 2nd respondent is a tenant, appropriate remedy available to the petitioner is to evict the 2nd respondent by filing an appropriate petition before the Rental Court under Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act. Petitioner cannot take law into her hands and evict the 2nd respondent illegally.

7. The First Information Report allegations prima-facie make out commission of cognizable offence by the petitioner and her husband. Therefore, this Court finds that, there is no merits in the petition seeking quashment of First Information Report in Crime No.466 of 2022 on the file of



Crl.O.P.No.12309 of 2023

the Inspector of Police, T-3 Korattur Police Station, Chennai.

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8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous petition is closed.

02.06.2023

Internet :Yes

Index :Yes/No

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G.CHANDRASEKHARAN, J.



WEB COPY



Crl.O.P.No.12309 of 2023

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To:

1. The Inspector of Police,
T-3, Korattur Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.12309 of 2023

02.06.2023