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Crl.O.P.No.33349 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.33349 of 2019

and

Crl.M.P. No.18404 of 2019

Dorothy

... Petitioner

Vs.

1.State Rep by
The Inspector of Police (Crime),
R5-Virugambakkam Police Station,
Chennai 600 093.

2.Senthil

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to the Crime No.495 of 2019 dated 15.11.2019 on the file of the respondent police herein and quash the same.

For Petitioner

: Mr.C.Vignesh
for Mr.P.Thomas Barnabas



Crl.O.P.No.33349 of 2019

For Respondent-1 : Mr.A.Damodaran,
Additional Public Prosecutor
For Respondent-2 : Mr.K.Sasikumar'

ORDER

This petition has been filed to quash the F.I.R for the alleged offence under Sections 420 and 406 I.P.C.

2.It is alleged in the F.I.R that the defacto complainant had let out 10 houses to the petitioner on her request for rent in the year 2018; that the petitioner had promised to pay a monthly rent of Rs.2,60,000/-; that without the knowledge of the defacto complainant, the petitioner had sublet a few houses.

3.The learned counsel for the petitioner would submit that the allegations even if accepted to be true do not attract the offences alleged. The only allegation is that the petitioner has sublet the premises and that would not attract the offence under Sections 420 and 406 I.P.C.



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4.The learned counsel for the defacto complainant and the learned Additional Public Prosecutor submitted that there are allegations in the impugned F.I.R and hence, prayed for dismissal of the quash petition.

5.This Court on perusal of the impugned F.I.R finds that the allegation is that after taking the houses on rent, the petitioner had sublet a few houses without the knowledge of the defacto complainant. That apart, there is no allegation that the petitioner had deceived the second respondent at the inception. Therefore, the offence under Section 420 I.P.C. is not made out. The offence of criminal breach of trust is also not made out as the petitioner was admittedly a tenant. A civil dispute between the landlord and tenant is sought to be projected as if the petitioner had committed the offences under Sections 420 and 406 I.P.C. The impugned F.I.R is clearly an abuse of process of law and therefore, deserves to be quashed.



Crl.O.P.No.33349 of 2019

6. Accordingly, the impugned F.I.R is quashed and the Criminal

Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

11.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No

srn

To

1.The Inspector of Police (Crime),
R5-Virugambakkam Police Station,
Chennai 600 093.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J,

srn

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