



Crl.O.P.(MD)No.1073 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1073 of 2023

T.N.Edward

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Assistant Commissioner of Police,
Cantonment,
Trichy.

3.The Inspector of Police,
Govt. Hospital Police Station,
Trichy City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to remove the illegal lock kept by the third respondent and hand over the belongings of John Bosco and Harija to their respective parents and hand over the possession of the house to the petitioner.

For Petitioner : Mr.A.Karthik

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.1073 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the respondents to remove the illegal lock kept by the third respondent and hand over the belongings of John Bosco and Harija to their respective parents and hand over the possession of the house to the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in dispute, that the petitioner had leased out the said property to one John Bosco, that the said John Bosco was residing along with his family, that on 01.06.2022, the said John Bosco's wife has lodged a complaint before the jurisdictional police stating that her husband was missing, that subsequently, the said John Bosco's wife and children had left the house, that thereafter, the building was locked by the third respondent and that since the articles owned by the said John Bosco are still available in the building, the third respondent has been refusing to unlock the building.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that there existed some disputes



Crl.O.P.(MD)No.1073 of 2023

between the wife and the mother of the said John Bosco and the building key is not with the police, but with the wife of the said John Bosco and hence, they are not in a position to hand over the articles available in the building.

4. As rightly contended by the learned counsel appearing for the petitioner, there is absolutely no reason for keeping the building locked.

5. Considering the submissions made on either sides, the third respondent is directed to summon the wife and the mother of the said John Bosco and thereafter conduct an enquiry and get the key and take steps to unlock the building and hand over the building to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition stands disposed of.

20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

3/4



WEB COPY



CrI.O.P.(MD)No.1073 of 2023

K.MURALI SHANKAR,J.

csn

To

- 1.The Commissioner of Police,
Trichy City,
Trichy.
- 2.The Assistant Commissioner of Police,
Cantonment,
Trichy.
- 3.The Inspector of Police,
Govt. Hospital Police Station,
Trichy City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.1073 of 2023

Dated: 20.01.2023