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Crl.OP.. No. 20579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP..No. 20579 of 2024

and

Crl.MP.No.11862 of 2024

1. Prem Kumar

2. Gayathri

... Petitioners

Vs.

1. State rep.by Inspector of Police,
B-1, Ooty Town Central Police Station,
Tamilnadu.

2. G.Nithiya

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS to call for the records in C.C.No.18 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court at Udhagamandalam and quash the same.

For Petitioners : Mr.L.K.Charles Alexander

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)
for R1

ORDER



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This Criminal Original Petition is filed to quash the final report filed by the respondent police against these petitioners for the alleged offence under Sections 294b IPC, Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and Section 3 of Tamil Nadu Public Property Prevention of Damage and Loss Act, 1992.

2.The defacto complainant in the said case is one Nithya. As per complaint, she is running a Tailoring Shop in the premises which is under dispute. While so on 26.03.2021, the petitioners forcibly trespassed into her shop, damaged the property and also abused her with filthy language besides misbehaved with her by tearing her Salwar. After completion of investigation, the respondent police has filed a final report on 13.05.2021 and the same been taken on file by the learned Additional Mahila Court, Udthagamandalam in C.C.No.18 of 2023.

3. The learned counsel appearing for the petitioners submits that the dispute between the landlord and tenant been given a criminal colour. The first petitioner herein is the tenant under the Uncle of the defacto complainant. The suit for injunction filed by the first petitioner in O.S.No.12 of 2021 is pending. A complaint against these petitioners was lodged by Santhosh Kumar on 16.02.2021 and the same was registered in



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Cr.No.111 of 2021. There are nearly four complaints and counter complaints against each other. While so based on the imaginary incident, FIR in Cr.No.170 of 2021 got registered and without proper investigation, final report filed.

4. The learned counsel appearing for the petitioners further submits that no ingredient to attract offence under Section 294b IPC, for Section 4 of Prohibition of Harassment of Women Act, 2002 and for Section 3 of Tamil Nadu Public Property Prevention of Damage and Loss Act, 1992 is made out. The learned counsel also tabulated the complaints and counter complaints pending against each other.

5. The learned Government Advocate (Crl.Side) submits that there is a civil dispute between the landlord and tenant. The defacto complainant running a Tailoring Shop in one of the portion of the building. On 20.06.2021, at about 11.30 hours, the petitioners are forcibly trespassed into the portion of the tailoring shop of the defacto complainant and damaged the property also abused her with filthy language. Hence after proper investigation, final report has been filed against these petitioners.

6. This Court after going through the statements of the witnesses



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find that the incident on 26.03.2021 been spoken by the eyewitnesses which corroborates the complaint of the Nithya. The previous and subsequent disputes between the petitioners and the family members of the defacto complainant Nithya will have no bearing in the trial of case registered on the complaint given by Nithya on 26.03.2021, since commission of cognizable offence been spoken by witnesses through their Statement recorded under 161 of Cr.P.C. This Court cannot be interfered in the trial of case under Section 482 of Cr.P.C. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

27.08.2024

Vv

To

1. The Inspector of Police,
B-1, Ooty Town Central Police Station,
Tamilnadu.
2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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