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Crl.RC.No.472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.RC.No.472 of 2024

Jayakar A.Henry

...Petitioner

Vs.

The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai – 600 115.

...Respondent

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the judgment dated 08.12.2023 passed in C.M.P.No.3815 of 2023 by the learned Judicial Magistrate No.II, Alandur and to allow the above said criminal revision.

For Petitioner : Mr.G.K.R.Pandiann

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

This Criminal revision case has been filed seeking quashment of the order dated 08.12.2023 made in C.M.P.No.3815 of 2023 on the file of the Judicial Magistrate No.II, Alandur.



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2. The case of the petitioner is that, the petitioner is a tenant under one Thamizharasi and the petitioner paid an advance amount of Rs.1,50,000/- and was paying a monthly rent of Rs.30,500/- from 01.01.2014 till 30.06.2016 without any default. Thereafter, as the petitioner faced some serious financial crisis due to certain health ailment faced by his children, he was unable to pay the monthly rent regularly. While so, during September 2017, the said Thamizharasi has disconnected the electricity and water supply to the petitioner's rental premises and she harassed the petitioner and abused him using filthy language and she had also forcibly took the Navaratna stone ring set from the petitioner as security for arrears of rent to be paid by the petitioner. Further, as the said Thamizharasi restrained the petitioner from entering into the rental premises, he stayed in his daughter's house. In the mean while, the said Thamizharasi broken into the petitioner's rental premises and stolen valuable articles worth about Rs.47,00,000/-. Thereby, the petitioner made a complaint before the law enforcing agency, which evoked no response. Therefore, left with no other alternative, the petitioner filed a petition under Section 156(3) of Cr.P.C., in C.M.P.No.3815 of 2023 seeking to direct the respondent police to register



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and investigate the complaint filed by the petitioner. However, the trial court, without considering any of the above said facts, had dismissed the said petition, vide impugned order dated 08.12.2023. Challenging the same, the petitioner has filed this revision.

3. Heard learned counsel on either side and perused the material documents available on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner against the order impugned, when this Court expressed its opinion that, the issue involved in the present case is civil in nature, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file a complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023, whichever is permissible or to file appropriate suit before the competent civil court. Learned Government Advocate (Crl. Side) appearing for the respondent has no objection for grant of such liberty. Learned counsel for the petitioner further prayed that the period during which the matter was agitated before



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the wrong forum may be excluded for the purpose of computation of limitation.

5. In view of the aforesaid stand taken by the learned counsel on both sides, this Court, without expressing any opinion on the merits of the case and without interfering with the order under challenge, grants liberty to the petitioner to workout his remedy in the manner known to law either by way of filing appropriate complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 or by way of filing appropriate suit before the competent forum. If such complaint or suit is filed, the competent jurisdictional court shall consider the same and pass orders, after affording sufficient opportunity to the parties. Further, the period of pendency of the petition filed by the petitioner under Section 156(3) of Cr.P.C. before the wrong forum shall stand excluded for the purpose of computation of limitation, if any.



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23.07.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai – 600 115.
3. The Public Prosecutor,
High Court of Madras.

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M.DHANDAPANI, J.

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