



WEB COPY



Crl.O.P.No.24616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24616 of 2022

and

Crl.M.P.No.15460 of 2022

R.Ponnusamy

... Petitioner

Vs.

1.State Rep. by
The Sub-Inspector of Police
Sulur Police Station,
Coimbatore District.
(Crime No.1033 of 2021)

2.P.Prabhakaran

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in FIR in Crime No.1033 of 2021 pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner has filed this Criminal Original petitions to quash the FIR in Crime No.1033 of 2021 pending on the file of the 1st respondent for the offence punishable under Sections 294(b), 341, 448 & 506(ii) of IPC.

2. The case of the prosecution is that the petitioner is the landlord of the place where the 2nd respondent is running a machine shop. Even though there is a proper rental agreement and as suit filed by the 2nd respondent is pending before the Civil Court, the petitioner and his son trespassed into the property and disturbed the 2nd respondent's enjoyment of the property, by putting a fence and locking the EB room and gate with the help of unknown persons. When the 2nd respondent asked about the same, the petitioner and his son abused the defacto complainant in filthy language and threatened his with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of a Godown, which was rented to the 2nd respondent for a sum of Rs.50,000/- of rent per month. The advance amount is Rs.6 lakhs. A



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rental agreement was made on 01.11.2019. The 2nd respondent paid one month rent, thereafter he has not paid the rent. On 13.10.2020, the 2nd respondent filed a suit in O.S.No.133 of 2020 before the District Munsif Court, Sulur, sought for the relief of permanent injunction against the petitioner from disturbing the peaceful possession of the 2nd respondent and from evicting him without following due process of law. No interim injunction has been passed by the Civil Court. When the petitioner asked for the rental arrears, the 2nd respondent lodged a false complaint against the petitioner and his son. The 2nd respondent initially complained to the 1st respondent on 17.08.2021. After a preliminary inquiry, the 1st respondent found it was a Civil dispute, therefore not registered the FIR and directed both sides to settle the disputed through Civil Court. But the 2nd respondent filed a petition before the Jurisdictional magistrate and obtained a direction against the 1st respondent. Therefore, the 1st respondent registered the impugned FIR and it is pending from 2022, before the Principal District Munsif Court, Coimbatore against the 2nd respondent and it is pending. He further submitted that the issues is purely a landlord and tenant dispute. The complaint is maliciously instituted with an ulterior motive to enjoy the property of the petitioner with huge arrears of rent by the 2nd respondent.



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The Civil dispute is converted cleverly as a criminal proceeding. Hence he prays to quash the proceedings in Crime No.1033 of 2021, against the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant FIR has been registered in Crime No.1033 of 2021, for the offences under Sections 294(b), 341, 448 & 506(ii) of IPC and the same was already closed as mistake of fact.

5. Recording the said submission made by the learned Government Advocate (Crl.Side), this petition is closed. Consequently, the connected miscellaneous petition is closed.

09.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To
WEB COPY

1.The Sub-Inspector of Police
Sulur Police Station,
Coimbatore District.
(Crime No.1033 of 2021)

2.The Public Prosecutor,
High Court of Madras



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T.V.THAMILSELVI, J.

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