



Crl.R.C.No.1655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1655 of 2023

M.Panchatcharam

... Petitioner

Vs.

The Inspector of Police (Crime)
J-3 Guindy Police Station,
Chennai-600 032.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w. 401 of the code of Criminal Procedure, 1973 to set aside the impugned order dated 19.07.2023 made in Crl.M.P.No.7380 of 2023 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.K.Shyam Sunder

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

ORDER

The Criminal Revision Case has been filed to set aside the impugned order dated 19.07.2023 passed in Crl.M.P.No.7380 of 2023 by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. The learned counsel appearing for the petitioner submits that



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the petitioner entered into a lease agreement with one Baskar vide lease deed dated 09.06.2016 and took the premises from Baskar. The lease was renewed by his owner vide lease deeds dated 01.05.2017 and 01.04.2018 and subsequently, the name of the lessee was changed from the petitioner's name to his wife's name and the lease was renewed in the name of his wife vide lease deeds dated 01.08.2019 and 01.07.2020, till 31.05.2021. On completion of renewal period, the petitioner requested the owner to extend the lease, however, he refused to do the same. On 26.03.2023, the owner had broken the lock put up by the petitioner and trespassed into the premises and took away the valuable articles which are worth about Rs.20 lakhs and thereby, the petitioner made a complaint to the respondent Police, but no evasive action was taken and the petitioner was made to run from pillar to post. Therefore, he filed a complaint under Section 156(3) r/w. 190 Cr.P.C before the trial Court to register the First Information Report against his owner and it was dismissed. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit



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that the lease entered into between the petitioner and his owner was periodically renewed upto 31st May 2021 and thereafter, the owner has declined to renew the lease and took away the articles from the premises which are worth about Rs.20 lakhs and the above aspect was established before the trial Court. However, the trial Court has refused to give a direction to the Police to register the FIR against the accused. He would further submit that the entire articles are in the custody of his landlord, namely, Baskar.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that the lease was expired in the month of May 2021 and thereafter, the petitioner has not taken any steps to renew the lease and after a lapse of two years, the petitioner has made a complaint before the Police as if his landlord took away the valuable articles belonging to him. Moreover, the dispute between the parties is civil in nature and therefore, the respondent Police has not registered the FIR and it was rightly appreciated by the trial Court and the private complaint filed by the petitioner was



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dismissed.

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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Police.

6. A perusal of the order passed by the Court below would show that indeed, the petitioner has entered into lease agreement with one Baskar for the premises in the year 2016 and the lease was renewed upto 31st May 2021 and thereafter, it was not renewed. The petitioner kept his articles in the premises without paying monthly rents which was evident from the report of the Inspector of Police, Guindy Police Station, for which, the landlord issued legal notice to the petitioner's wife to take the articles and pay the arrears of rent, but no reply was given. Furthermore, the petitioner has not produced any document to show as to when the landlord entered into the premises and stolen the articles, and the petitioner has given the complaint purposefully to convert the civil dispute into criminal colour and



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all those things were considered by the trial Court and the trial Court has rightly dismissed the complaint filed by the petitioner. Hence, this Court is not inclined to interfere with the order dated 19.07.2023 passed in Crl.M.P.No.7380 of 2023 by the learned IX Metropolitan Magistrate, Saidapet, Chennai. However, the petitioner is at liberty to take his articles from the premises of the landlord, namely, Baskar, under due intimation to the respondent Police and the respondent Police is directed to take inventory of the articles of the petitioner, when the petitioner takes the same from the premises.

7. Accordingly, this Criminal Revision Case is dismissed.

12.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

1. The learned IX Metropolitan Magistrate, Saidapet, Chennai.
2. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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