



CrI.O.P.(MD)No.116 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.116 of 2024

and

CrI.M.P.(MD)No.88 of 2024

P.Pandian

...Petitioner

Vs.

1.The Inspector of Police
represented by the State
Sivakasi East Police Station,
Virudhunagar District.

2. Kaliyappan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the Impugned First Information Report in Crime No.514 of 2023 U/s.286 of IPC and 9(B) (1) (a) of the Indian Explosives Act 1884, dated 07.11.2023 in so far as this Petitioner is concern and quash the same as illegal.

For Petitioner : Mr.K.Dinesh.

For Respondents : Mr.B.Thanga Aravindh
Government Advocatev(CrI.Side)



Cr.L.O.P.(MD)No.116 of 2024

WEB COPY

ORDER

This Criminal Original Petition had been filed seeking direction to quash the First Information Report in Crime No.514 of 2023 U/s.286 of IPC and 9(B) (1) (a) of the Indian Explosives Act 1884, dated 07.11.2023

2. The learned Counsel for the Petitioner submitted that the Petitioner is a land lord. He had let out his premises on lease to one Ponraj, son of Subbiah. Since the Petitioner is a retired school Teacher, he did not have any knowledge of the tenant, who is alleged to have stored the explosives for manufacturing of crackers and also he did not have knowledge of the fact that whether the said tenant got any prior permission or licence or approval from the authorities concerned under the Indian Explosives Act, 1884. The second Respondent had filed a complaint and the case was registered in Crime No.514 of 2023 by the first Respondent. If at all the complaint is made out only against the tenant who is alleged to have used the premises for manufacturing of crackers, the Respondent Police cannot discriminate the Petitioner, as he is the land lord. He further submitted that the Petitioner has no concern with the explosive substances and also he is not responsible for the acts of the tenant.



Cr.L.O.P.(MD)No.116 of 2024

WEB COPY

3. The submission of the learned Counsel for the Petitioner is found to be acceptable in the light of the specific condition in the lease agreement. Since the Petitioner is a retired Teacher and had let out the premises for some pipe manufacturing. Also it has been specifically mentioned in the agreement that the tenant shall not cause any damage to his premises.

4. The learned Government Advocate (Crl.Side) submitted that, there cannot be words like not to damage the house or building, storing explosives may damage the building also in lease agreement.

5. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side), it was clearly mentioned that the building has to be handed over in good condition, as at the time of entering the lease. It is a mandatory for the tenant to deliver the premises in good condition. Therefore, nothing can be considered against the Petitioner to attract the offences alleged by the prosecution. Therefore, the F.I.R in Cr.No.514 of 2023 cannot be maintained against the Petitioner.

6. Recording the submission, this Criminal Original Petition is



CrI.O.P.(MD)No.116 of 2024

allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

05.01.2024

Index : Yes/No

Internet: Yes/No

jbr

To

- 1.The Inspector of Police
represented by the State
Sivakasi East Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.116 of 2024

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

Crl.O.P.(MD)No.116 of 2024

05.01.2024