



Crl.R.C(MD)No.562 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	:	14.06.2024
Pronounced on	:	01.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.562 of 2024

GTL Infrastructure Limited
Rep.by its Authorised Signatory,
Ramesh Kannan

... Petitioner/Complainant

Vs.

Inspector of Police,
Sattur Town Police Station,
Sattur Sub division,
Virudhunagar

.. Respondent/Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 13.02.2024 passed in Crl.M.P.No.3901 of 2023 on the file of Judicial Magistrate II, Sattur and pass a direction to register FIR and grant such other further relieves.



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For Petitioner : Mr.R.Parthiban

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)

ORDER

The petitioner company have filed this revision challenging the dismissal order on their petition filed under section 156 (3) of Cr.P.C. to take action against the person involved in the dismantling of the petitioner company's cell tower said to have been installed in the respondent police jurisdiction.

2. The petitioner company entered into lease agreement with the owner of the property situated in S.No. 866 of Sattur, Virudhunagar District. On 21.07.2023, when the company officials visited the place, they found that the cell phone tower was missing. Therefore, they made a complaint before the respondent police and there was no action and hence they filed the petition under section 156 (3) of Cr.P.C. by following the procedure under section 200 of Cr.P.C. In the said petition, the Learned Judicial Magistrate No. II, Sattur directed the respondent police to conduct an enquiry and submit the report. The respondent police conducted detailed enquiry and found that



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there was a lease agreement for 15 years commencing from 29.09.1999 to 01.10.2014 to install the Aircel cell tower and the same was renewed upto 01.10.2023. In the mean time “Aircel Cell Tower” company was purchased by another company. The Aircel company stopped his function from 2017 onwards and there was no payment of rent. On 07.08.2021, the company staff dismantled towers and with an undertaking pay the rent of Rs.8,50,000/- and the same was not paid. From the year 2017 onwards the tower was functioning and the rent was not paid and the company staff removed the tower on 07.08.2021 and the present complaint was preferred without disclosing the true fact.

3. On the basis of the report and without any contra evidence and on mere assumptions and without production of any records, the company came up with allegation to take action against the unknown miscreants that too after number of years and it was correctly dismissed by the Learned Trial Judge. This Court also finds no material to initiate action against any person including the owner of the land. The company also failed to pay the rent to the tune of Rs.8,50,000/- to the landlord and in order to evade the said payment, the company has made the said false allegation. Therefore this petition is liable to be dismissed.



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4. Accordingly, Criminal Revision Case is dismissed by confirming the order dated 13.02.2024 passed in Crl.M.P.No.3901 of 2023 by the learned Judicial Magistrate II, Sattur.

01.08.2024

NCC : Yes/No
Index :Yes/No
Internet :Yes/No
vsg

To

1. The Judicial Magistrate II, Sattur.
2. The Inspector of Police,
Sattur Town Police Station,
Sattur Sub division,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

Predelivery order made in
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01.08.2024