



Crl.O.P.(MD)No.12716 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12716 of 2024

R.Ramachandran

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.

2.The Inspector of Police,
Salaigramam,
Sivagangai District.

3.P.Ramakrishnan

4.Sugumaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to direct the second respondent not to harass the petitioner under the
guise of enquiry on the basis of the complaint of the fourth respondent.

For Petitioner : Mr.S.Gopinath

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R3 & R4 : Mr.R.Rajamohan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the second respondent not to harass the petitioner under the guise of enquiry on the basis of the complaint of the fourth respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner has become tenant under the third respondent, that though the petitioner has taken lease for running a TASMACH shop and since he was not granted license, he has been running petty shop in the premises, that the petitioner, after issuing legal notice, has filed a suit in O.S.No.4 of 2024 against the third respondent claiming permanent injunction and the same is pending on the file of the District Munsif cum Judicial Magistrate, Ilaiyankudi, that in the meanwhile, the fourth respondent, by alleging that he got orders for running a TASMACH shop and lease from the third respondent, has lodged a complaint and attempted to interfere with the petitioner's possession of the premises and that therefore the petitioner has lodged a complaint before the second respondent.



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3. The learned counsel appearing for the respondents 3 and 4 would submit that the fourth respondent was granted licence to run a TASMAL shop in the premises and he has also entered into rental agreement with the third respondent-owner of the premises.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that earlier the fourth respondent has lodged two complaints and after enquiry, CSRs came to be registered and the same were ordered to be closed, that the fourth respondent has subsequently filed a writ petition before this Court in W.P.(MD)No.5731 of 2024 seeking a direction to the police officials to provide suitable police protection to implement the license given by the TASMAL to run the TASMAL shop in shop No.435/F situated at S.No. 810/5 at Salaigramam, Sivagangai District and this Court, while dismissing the petition, has observed that it is always open to the fourth respondent to lodge a criminal complaint before the concerned police and if the police has not acted upon the same, he is also having a remedy before the concerned Superintendent of Police under Section 154(3) Cr.P.C. and before the concerned Judicial Magistrate under Section



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156(3) Cr.P.C. and that in pursuance of the said direction, the fourth respondent has lodged a complaint before the first respondent and on that basis, CSR No.461 of 2024 came to be registered and is pending.

5. It is pertinent to note that the third respondent, after issuing legal notice demanding possession of the property, has filed a suit in O.S.No.10 of 2024 for recovery of possession and the same is pending on the file of the District Munsif cum Judicial Magistrate, Illayangudi.

6. As rightly contended by the learned counsel appearing for the petitioner, the third respondent, by filing the suit for possession, has indirectly admitted the possession of the petitioner, but now in collusion with the fourth respondent has been taking steps to get the possession of the property through the complaint lodged before the second respondent.

7. Considering the facts and circumstances of the case and the submission on either side, this Court is constrained to observe that the respondents 3 and 4 have been abusing/missuing process of law. Consequently, this Court concludes that the petitioner is entitled to get



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the relief claimed.

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8. In the result, this Criminal Original Petition stands allowed. The second respondent is directed not to harass the petitioner in any way.

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.
- 2.The Inspector of Police,
Salaigramam,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.12716 of 2024

Dated: 19.08.2024