



Crl.O.P.(MD)No.21187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21187 of 2024

and

Crl.M.P.(MD)No.14119 of 2024

1.R.Sadasivam

2.S.Umadevi

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by the Assistant Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.

3.Divya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, directing the respondents 1 and 2 and his subordinates not to interfere in the civil dispute and to follow the due process of law and based on the petitioner's representation dated 28.11.2024.



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For Petitioners : Mr.S.Srikanth
For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R3 : Mr.R.Anandharaj

ORDER

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 04.12.2024, which reads as follows:-

"The petitioners/landlords own a two-story building. The second floor was rented to one Divya (the third respondent herein) in the second week of October, 2024. The third respondent approached the petitioners through local brokers and sought to rent the property for herself and her minor daughter. She claimed that she had no husband and that she and her daughter would be the only occupants. Sympathetic to her situation, the petitioners agreed to rent the property to the third respondent and received an advance payment of Rs.2,50,000/- along with a monthly rent of Rs.25,000/-.

2. The petitioners later requested the third respondent to deposit additional money, as the petitioners' daughter was facing some SARFAESI proceedings. Based on the said request, the third respondent deposited Rs.50,000/- into the account of



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the petitioners' daughter, Nithya, on 30.10.2024. On 17.11.2024, the de-facto complainant, upon learning that the petitioners were absent from the house, trespassed into the property with her associates. The neighbours informed the emergency Police (100), who arrived, conducted an enquiry, and advised the third respondent to approach the Court of law rather than disturbing the petitioners or their family.

3. Subsequently, the petitioners filed a civil suit before the Principal District Munsif Court, Madurai, seeking to restrain the third respondent from disturbing their peaceful possession and enjoyment of the property. Despite these developments, the third respondent filed a complaint with the Police on 28.11.2024. Based on this complaint, a case in Crime No.762 of 2024 was registered against the petitioners under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.

4. In her complaint, the third respondent stated that on 28.10.2024, the petitioners showed her the second floor of the house for lease, and the lease amount was agreed upon. Due to some repair work in the bathroom, the petitioners requested 10 days' time, and the third respondent agreed to move in on 14.11.2024. On 30.10.2024, an amount of Rs.50,000/- was paid as an advance to the account of the petitioners' daughter, Nithya, at Lakshmi Bank. The lease amount of Rs.6,00,000/- was paid on 06.11.2024, and at the request of the petitioners, Rs. 5,94,500/- was transferred by bank transfer to the first



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petitioner's account (Account No. 9876000100016886.PUNB0987600), while Rs.55,500/- was paid for bathroom repairs.

5. Subsequently, on 06.11.2024, the first petitioner contacted the third respondent and informed her that he needed an additional sum of Rs.5,00,000/-, which could even be treated as interest. The third respondent explained that she could not pay such a large amount as she was already paying an EMI of Rs.13,999/- for a previous loan. The petitioners then suggested that the third respondent obtain the money from the person she intended to marry, who is employed with Southern Railway. Further, between 06.11.2024 and 09.11.2024, the third respondent was in communication with her 9-year-old daughter, who was in Coimbatore. During this time, the third respondent's brother visited the property. The petitioners objected to his visit and allegedly made threats and used abusive language. Hence, the third respondent lodged a complaint requesting the return of the money paid to the petitioners, along with the household items kept on the second floor of their house.

6. The learned counsel for the petitioners submitted that the third respondent is making an unreasonable claim. Whatever amount has been transferred through Bank would be paid at front without delay and the third respondent would be permitted to remove all the household articles, which are kept in her portion. The articles can be collected even from today or



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tomorrow without any resistance. With regard to the amount received through bank transaction, the amount to be paid within a period of two weeks, i.e., on or before 18.12.2024.

7. The petitioners admit that they will not cause any threat or any resistance. The respondent Police to give adequate protection to the third respondent in vacating and removing her articles, which are kept in the petitioners' premises.

8. List the case on 19.12.2024. During the interregnum, no coercive action shall be taken against the petitioners.

9. Mr.J.Selvaraj, Sub-Inspector of Police. E3 Anna Nagar Crime Branch, Madurai District, who is personally present before this Court and has been informed about the order of this Court."

2. Today, the first petitioner/landlord and the third respondent appeared before this Court, and the first petitioner handed over two Demand Drafts totaling Rs.6,44,601/- to the third respondent.

3. The learned counsel for the third respondent submitted that Rs.55,000/- was paid for repairing the bathroom, and that the third respondent never stayed in the house nor used the facilities. Therefore, retaining the third respondent's money on the grounds of bathroom repairs would not be justified. The petitioners agreed to repay Rs.55,000/- to the third respondent.



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4. The first petitioner, who is present before this Court, submitted that he had not received any cash. With respect to the amounts received through bank transfers, he stated that he had repaid the entire sum through two demand drafts totaling Rs.5,94,500/- and Rs.50,101/-. He denied receiving Rs.55,000/- in cash.

5. The third respondent, who is present before this Court, expressed that she did not wish to engage in further dispute with the petitioners. Although the amount is significant to her, she decided not to pursue the claim for Rs.55,000/- in order to bring closure to the matter.

6. In view of the above, the dispute between the petitioners and the third respondent has now been resolved. Recording the same, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is also closed.

NCC : Yes / No
Index : Yes / No
smn2

19.12.2024



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To
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- 1.The Assistant Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.21187 of 2024

Dated: 19.12.2024