



Crl. O.P. No. 14868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 14868 of 2023

and

Crl. M.P. No. 9257 of 2023

Rajavel @ R. Anandakumar

... Petitioner

Vs

1. The State rep., by
The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.

2. M. Ashok

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the pertaining to FIR in Crime No.788 of 2022 dated 21.08.2022 on the file of the first respondent and quash the same as illegal insofar as the petitioner is concerned and thus render justice.

For Petitioner : Mr. K. Karthikeyan

For Respondents : Mr. R. Vinoth Raja, for R1

Government Advocate (Crl. Side)

No Appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.788 of 2022 on the file of the first respondent.



Crl. O.P. No. 14868 of 2023

WEB COPY

2. The case of the second respondent is that the first accused is the owner of the premises bearing S.F.No.341/2, 348, Chettiar Thanneerpandal, Coimbatore and the said premises was leased out in favour of the second respondent. While being so, due to Covid-19 pandemic circumstances, there was lockdown and as such, the second respondent was unable to open the premises, since the second respondent was running manufacturing of safety products for Indian Railways in the name and style of 'Swagath Engineering'.

3. While being so, the first accused insisted the second respondent to vacate the premises. Therefore, on 13.06.2022, the second respondent entered into lease agreement to change the place of manufacturing to other premises situated at Door No.9/143-1, Nallathanneer Thottan, Andakapalayam, Coimbatore. The accused trespass into the premises and had broken the door of the premises and all the machineries and raw materials were put outside of the premises and it was noticed by the second respondent only on 08.07.2022. Hence, the complaint.



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4. Learned counsel for the petitioner would submit that the petitioner is arrayed as A2, he is subsequent tenant after the second respondent to the subject premises and he has nothing to do with the allegation levelled as against the first accused.

5. Though notice was served to the second respondent and his name is printed in the cause list, none has entered appearance.

6. The petitioner never trespassed into the subject property. Only after entering into the lease agreement, the first accused entered into the premises and he never disturbed the peaceful possession and enjoyment of the second respondent.

7. Therefore, the offences under Sections 448 and 427 of IPC are not at all attracted against the petitioner.

8. In view of the above, the FIR cannot be sustained and liable to be quashed.



Crl. O.P. No. 14868 of 2023

WEB COPY

9. Accordingly the FIR in Crime No.788 of 2022 on the file of the first respondent, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index:Yes/No

Neutral Citation :Yes/No

AT

To

1.The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.

2.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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