

Crl.O.P.No.21354 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21354 of 2025

Mr.Thilak Chakaravarthy

.. Petitioner/Accused

Vs.

1.The State Rep by,
The Inspector of Police,
T-19, Police Station,
Kelambakkam,
Chennai.

Cr.No.265 of 2025

.. Respondent / Complainant

2.Mr.Mani

.. Respondent /
de facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest or surrender in Crime No.265 of 2025 on the file of the respondent herein.

For Petitioner : Mr.A.Ajay

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For R2 : Mr.S.Anand Venkatesh



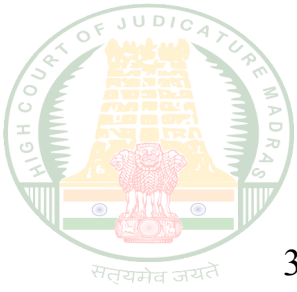
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ORDER

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The petitioners were apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(2) of BNS r/w Section 3(1)(r), 3(1)(s) of SCH Caste and SCH Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.265 of 2025, seeks anticipatory bail.

2. The contention of the petitioner is that he is the tenant under the 2nd respondent, the landlord who had given the barren land for rent. Thereafter, the petitioner had put up a construction, incurring an expenditure of Rs.37 lakhs, and had been doing his business. The petitioner was forced to vacate the shop, and the petitioner had objected only for the reason that he did not receive any compensation for the construction cost. Thereafter, the petitioner had filed a civil suit in O.S.No.169 of 2023, which is pending before the learned Principal District Judge, Chengalpattu. An injunction has been ordered in I.A.No.2 of 2023 in O.S.No.169 of 2023, and the case is now posted for appearance of the petitioner as well as the 2nd respondent to appear at the mediation centre on 13.08.2025 and to file a report by 13.10.2025.



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3. Learned counsel for the petitioner submits that it a tenancy dispute which has been given a communal twist and the case has been registered. He further submits that there was a default in payment of the tenancy amount since the Municipal Authorities constructed a storm water drain, dug up a big ditch, and there were no customers. Therefore, the business is now closed. It is further submitted that the 2nd respondent had filed a civil suit in O.S.No.8 of 2024, which is pending before the learned District Munsif, Thiruporur, and the suit is filed for seeking an injunction against the petitioner from not to enter the property which would confirm that there is a property dispute between the 2nd respondent and the petitioner (landlord and tenant).

4. Learned counsel for the 2nd respondent/intervenor/de facto complainant has vehemently opposed the contention of the petitioner by filing a counter affidavit and reiterating the complaint made before the 1st respondent. He further submitted that the de facto complainant is about about 75 years old and is a sick person. If there is no landlord-tenancy dispute, it is unclear what prompted the petitioner to use abusive language, referring to the de facto complainant by his caste, and also threatening him.



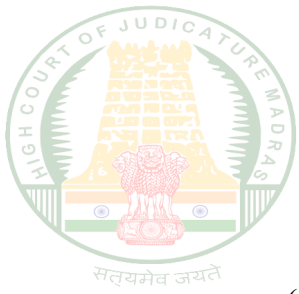
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The petitioner has been making false allegations that he had paid around Rs.37 lakhs. Initially, the barren land was given to one Maniya Pillai, who had put up the construction, and it is now valued at around Rs.50 lakhs. According to the de facto complainant, the petitioner had paid Rs.15 lakhs but is now demanding an exorbitant amount of Rs.37 lakhs from the de facto complainant, in addition to another Rs.15 lakhs that Maniya Pillai allegedly gave to the de facto complainant. Consequently, the petitioner filed a civil suit. As an aged person, the de facto complainant was abused with caste related slurs and insulted in public. The de facto complainant had also lodged a complaint with the SC/ST Commission regarding the inaction of the police. He fairly submits that there is a pending civil suit pending between the petitioner and the 2nd respondent, and he had filed a civil suit before the learned District Munsif, Thiruporur.

5. The judgments relied on the by the learned counsel for the 2nd respondent, are as follows:

(i) The judgment of the Honble Supreme Court of India in the case of **Kathyayini vs. Sri Sidharth P.S. Reddy**, has clearly stated that as follows:

“pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal



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proceedings if a prima facie exists against the accused persons.
(ii) The judgment of the Honble Supreme Court of India in the case

of **K.Jagadish vs. Udaya Kumar G.S.**, which held as follows:

“17. In view of the preponderance of authorities to the contrary, we are satisfied that the High Court was not justified in quashing the proceedings initiated by the appellant against the respondents. We are also not impressed by the argument that as the civil suit was pending in the High Court, the Magistrate was not justified to proceed with the criminal case either in law or on the basis of property.”

6. Learned Government Advocate (Crl.Side) submitted that an FIR had been registered based on the complaint of the de facto complainant. The investigation is at initial stage, primarily there is a dispute between the petitioner and the de facto complainant, which is a tenancy dispute. The investigation is in progress.

7. Heard both sides and perused the materials available on record.

8. Considering the facts and circumstances of the case, it is not in dispute that the petitioner and the de facto complainant have been in a tenant-landlord relationship since 2020. The admitted possession is that the petitioner has been a tenant from the year 2020. The dispute arose recently



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in the year 2024 regarding the non-payment of rent and the demand for a huge amount by the petitioner to vacate the premises. Subsequently, it is alleged that the de facto complainant was abused using his caste name. There is also a civil suit pending before the learned Principal District Judge, Chengalpattu, in O.S.No.169 of 2023, which has been posted for mediation, and the civil dispute can be resolved in the civil suit.

9. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate cum District Munsif Court, Thiruporur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand



dismissed and on further condition that:

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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;



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[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

06.08.2025

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To

- 1.The Judicial Magistrate cum District Munsif Court,
Thiruporur.
- 2.The Inspector of Police,
T-19, Police Station,
Kelambakkam,
Chennai.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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