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CRL OP No. 30205 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30205 of 2025

K.Kamalakannan

Petitioner

Vs

1. The Inspector of Police,
T9 Maraimalai Nagar,
Chengalpattu District.

2.R. Selvakumar

Respondents

PRAYER Criminal Original Petition filed under Section 528 of B.N.S.S./482 of Cr.P.C., praying to set aside the order passed by the Judicial Magistrate Court No.II, Chengalpattu in Crl.M.P.No1623 of 2025 and to set aside the closure report in CSR No.1421/2024 and to direct the respondent police to conduct a fresh investigation.

For Petitioner: Mr.P.Chandrasekar

For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the Judicial Magistrate Court No.II, Chengalpattu in Crl.M.P.No1623 of 2025 and to set aside the closure report in CSR No.1421/2024 and to direct the respondent police to conduct a fresh investigation.



2. Brief Facts:

2.1 The petitioner is a tenant and the second respondent is the landlord.

It is the case of the petitioner that he has been running a shop in the premises owned by the second respondent since 2023 and all of a sudden, the second respondent sent a notice to the petitioner to vacate the premises and subsequently, on the midnight of 15.10.2024, the 2nd respondent locked the door and disconnected the electricity connection without any intimation.

2.2 Aggrieved, the petitioner lodged a complaint before the respondent police and the first respondent police registered CSR No.1421 of 2024 on 16.10.2025. However, since no action has been taken by the respondent Police since then, the petitioner filed Crl.M.P.No.4399 of 2024 before the Judicial Magistrate II, Chengalpattu and the learned Magistrate, by an order dated 05.12.2024, directed the respondent Police to conduct preliminary enquiry as held in *Lalitha Kumari's* case and if cognizable offence is made out, to register an FIR and proceed further in accordance with law. The first respondent police, after conducting enquiry, filed a closure report before the learned Magistrate.

2.3 Challenging the closure report, the petitioner filed Crl.M.P.No.1623 of 2025 before the Judicial Magistrate No.II, Chengalpattu, to conduct fresh enquiry and to file a fresh report. However, the learned Magistrate dismissed the said petition, holding that the alleged dispute is civil in nature and the same



cannot be agitated before the said forum. Aggrieved by the same, the petitioner has filed the present petition seeking the aforesaid relief.

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3. The learned counsel for the petitioner would submit that the petitioner is a tenant in occupation of the premises. The accused / landlord, along with his henchmen, had ransacked the shop and committed theft of movables from his shop. Despite a direction from the Court directing registration of a case and conduct of an enquiry, the first respondent police, without registering the case, conducted an enquiry in CSR No.1421 of 2024 and without giving sufficient opportunity to the petitioner, had closed the complaint. The petitioner had challenged the same before the learned Magistrate and requested for conducting a fresh enquiry. Whereas, the learned Magistrate, despite there being offences of criminal trespass and theft of articles, had erroneously dismissed the petition holding that the dispute between the parties, is civil in nature. Aggrieved by the same, the present petition has been filed.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that there is a tenancy dispute between the petitioner and the second respondent / landlord. The petitioner had given a complaint alleging that the accused had ransacked the shop and removed the movables. Based on a direction by the learned Magistrate in Crl.M.P.No.4399 of 2024, the respondent police conducted an enquiry in CSR No.1421 of 2024. The



petitioner did not cooperate in the enquiry. However, during the enquiry, it came to light that there was a tenancy dispute between the petitioner and the second respondent/landlord and hence, the first respondent police filed the closure report. Though a direction was issued to register a case as per the guidelines issued in *Lalitha Kumari's* case, the respondent deemed it not fit to register the case since preliminary inquiry did not reveal commission of any offence of cognizable nature. He would further submit that if the petitioner is aggrieved by the closure report of the Magistrate, he can either file a revision or challenge the same or file a private complaint.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. The aforementioned facts are not in dispute.

7. At this juncture, it is apposite to advert to the order dated 30.07.2025 passed by a Division Bench in Cont. Petn. No.2150 of 2025 the relevant portion of which reads as follows:

“2. In our view, the direction to the respondent to follow the guidelines in *Lalitha Kumari's* case will not amount to a positive direction for registering the complaint and the respondent would be at liberty to close the complaint when cognizable offence is not made out. In the instant case, the respondent police had filed an affidavit dated 30.07.2025, claiming that the petitioner's complaint was enquired and closed and the closure report has also been filed before the District Munsif-cum-Judicial Magistrate's Court, through filing no.1215 of 2025



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dated 01.07.2025. However, we find that the closure report has not been filed within two weeks time stipulated by the learned District Munsif-cum-Judicial Magistrate. Though there is a disobedience in not adhering to the time limit prescribed by the learned District Munsif-cum-Judicial Magistrate, the disobedience may not be wilful in nature.

3. In the light of these developments, we are of the view that there is no wilful disobedience of the order of the Court. Accordingly, the contempt petition is closed with liberty to the petitioner to challenge the closure report in a manner known to law.”

8. A bare perusal of the aforesaid order would reveal that the Division Bench had granted liberty to the petitioner therein to challenge the non-compliance report in the manner known to law. In the opinion of this Court, non-compliance report is nothing but a closure report. As held by the Division Bench in the aforesaid order, if the petitioner is aggrieved by the filing of the closure report filed by the respondent police, he can either file a protest petition against the closure report or file a private complaint in respect of the allegations made by him. In the considered opinion of this Court, without taking recourse to either of these two options, the petitioner cannot directly file the instant petition.

9. In view of the foregoing discussion, this criminal original petition stands closed, granting liberty to the petitioner to either file a protest petition before the Magistrate or file a private complaint in accordance with law.

06-11-2025

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A.D.JAGADISH CHANDIRA,J.,

vum/cad

To

1.The Inspector of Police
T9 Maraimalai Nagar-Chengalpattu
District.

2.The Public Prosecutor,
Madras High Court, Chennai.

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