



Crl.O.P.(MD)No.1023 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1023 of 2025

S.P.Murugan

: Petitioner

Vs.

1.The State rep., by
The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Kuttralam Police Station,
Tenkasi District.

3.Murugesan

4.Manoharan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 and 2 more particularly the second respondent not to involve or interfere in the civil matter and not to harass the petitioner under the guise of enquiry at the instance of the third respondent in this regard.



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For Petitioner : Mr.S.Ramanathan
For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner had filed this petition seeking direction to the respondent police not to interfere in the civil matter and harass the petitioner under the guise of enquiry.

2. The contention of the petitioner is that, the petitioner is the tenant of third respondent. On 05.09.2024, the third respondent asked the petitioner to vacate the house without giving any breathing time. The petitioner explained the situation to the third respondent and sought for three months time to vacate the house. Despite the same, the third respondent lodged a complaint before the second respondent on 10.09.2024 and thereafter, the petitioner was forced to vacate the house. When he refused the same, the fourth respondent had used abusive words and threatened the petitioner to admit the same in writing. Being aggrieved for the same, the petitioner had filed injunction suit in O.S.No. 476 of 2024 before the learned District Munsif Court, Tenkasi, during October-2024 and the same is pending for adjudication. While that being



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so, when the petitioner was pilgrimage to Sabarimalai, the third respondent on the advice of the fourth respondent had removed the articles from the petitioner's house. When the same was questioned by the petitioner, the petitioner was subjected to criminal intimidation by the third respondent. Hence, the petitioner lodged a complaint before the first respondent. Thereafter also, the petitioner was called and threatened by the fourth respondent. Hence, the above petition.

3. The learned Additional Public Prosecutor submitted that the third respondent is the owner of the subject house and the petitioner was tenant for a rent of Rs.3,500/- per month and advance of Rs.10,000/-. Six months prior to 06.09.2024, the petitioner had become defaulter in payment of rent and he was in arrears. Since the wife of owner namely Murugesan was serious ill with kidney ailments and the house owner needed house for his wife's treatment and taking rest. The third respondent had lodged a complaint to the police and the petitioner had appeared before the police station and gave an undertaking to the landlord on 10.09.2024 that he would vacate the property on 10.10.2024 and thereafter too, he failed to vacate. In the meanwhile, the third respondent's wife, who was in illness



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for kidney ailments without proper place for treatment and rest, had passed away on 10.10.2024. The petitioner now taking advantage of his position as press reporter had projected the case as if he was forcibly evicted, when he was in Pilgrimage. The petitioner was residing along with his wife and two children. They had vacated the house and taken all the articles including the bureau and unwanted articles were only left there, which has been kept near house, which is now projected as if the petitioner was forcibly evicted. The learned Additional Public Prosecutor also produced undertaking letter signed by the petitioner and the closure report in CSR.No.769 of 2024, complaint given by landlord. Now, the house has been vacate and let to another tenant.

4. The learned counsel for the petitioner also filed an affidavit and produced the photograph. From the photograph, it is seen that the petitioner along with his wife and two sons had conducted 'Homam' before entering into tenancy. The photograph shows that only TV was there while conducting Homam and other articles has been kept after some maintenance work. In the civil suit plaint copy, the petitioner's contention is that he had entered into tenancy on 08.02.2014 and he had paid advance



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of Rs.20,000/- and monthly rent of Rs.2,500/-, which was periodically raised and finally, he paid advance Rs.60,000/- and rent of Rs.3,500/- from 2019. He further submitted that he had spent some money for painting and for maintenance of house. This amount has not been paid so far by the landlord and there was some dispute. Without giving sufficient time, the petitioner was evicted through police.

5. Considering the facts and circumstances of the case, it is seen that the petitioner is not disputing that he is tenant and he has been in the property from the year 2014. There was some rental dispute and the petitioner now admits that he vacated the property. Whether it is forcible or voluntary, which is the matter to be decided in the civil suit. As of now, the petitioner is not tenant and the police have no role in the civil suit proceeding. In view of the same, nothing survives in this petition. Accordingly, this Criminal Original Petition is dismissed.

24.01.2025

NCC : Yes/No
Index : Yes / No
Rmk



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To

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Kuttralam Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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