



WEB COPY



Crl. O.P. No. 9300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 9300 of 2023

and

Crl. M.P. Nos. 6017 & 6018 of 2023

K. Maruthavanan

... Petitioner

Vs

1.The State represented by
The Inspector of Police,
City Crime Branch,
Coimbatore City.
(Crime No.36 of 2020)

2.Dr. V. Ramachandran

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge-sheet in C.C.No.509 of 2021, pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same.

For Petitioner : Mr. C. Sivanesan

For Respondents : Mr.A.Gopinath, for R1
Government Advocate (Crl.Side)
Mr. S. Manuraj for R2



Crl. O.P. No. 9300 of 2023

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 509 of 2021 pending on the file of the Judicial Magistrate No.VII, Coimbatore.

2. The case of the prosecution is that the 1st accused entered into a lease agreement with the 2nd respondent dated 05.07.2017, for a period of 10 years in respect of running a hospital in an extent of 60 cents, in which a building measuring 30200 sq.ft stands in the name of Ellen Hospital. In the said hospital, the 2nd accused was working as a Manager. However, the 1st accused failed to pay the lease amount and both the accused attempted to sublease the entire premises to a third party, for which the 2nd accused abetted the 1st accused. Further, both the accused prevented the defacto complainant from entering his chamber in the hospital, which was permitted as per the lease agreement. It is further alleged that the 1st accused issued a cheque for a sum of Rs.65,85,000/- and the same was returned for the reason “payment stopped” by the drawer. Hence, the 1st accused trying to disturb the entire property.

2.1. On the complaint, the 1st respondent registered an FIR in Crime No.36 of 2020 for the offences punishable under Sections 406, 420, 341, 506(1) and 109 IPC. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court.



WEB COPY

3. The learned counsel for the petitioner submitted that during the pendency of the trial, the 1st accused died. The petitioner has been arrayed as the 2nd accused. Even according to the case of the prosecution, the petitioner was working only as a Manager in the hospital run by the 1st accused. The lease agreement and other transactions were only between the 1st accused and the 2nd respondent herein. The petitioner is no way connected with the lease agreement or the running of the hospital.

3.1. That apart, there are several proceedings are pending against the legal heirs of the 1st accused in respect of claiming the lease amount by the 2nd respondent, in which the petitioner is not a party. Therefore, the entire proceedings cannot be sustained as against the petitioner, since he has never subleased the subject property.

4. The learned counsel for the 2nd respondent filed a counter and on the submissions made therein, it is revealed that there are two accused, in which the petitioner is arrayed as the 2nd accused. The 2nd respondent is a Doctor of Ellen Hospital, which was established in the year 1970. He is the absolute owner of the entire property and had leased out in favour of the 1st accused by a lease agreement dated 05.07.2017, registered as Document No.3673 of 2017.



4.1. However, the 1st accused failed to pay the lease amount and attempted to sell the property without the knowledge of the 2nd respondent. It is further contended that the petitioner/A2, though claiming to be only a Manager under the 1st accused, is also involved in the alleged acts. Even though the 1st accused has died, the charges are specifically made against the 2nd accused and the trial Court has posted the case for trial by summoning the witnesses.

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

6. There are totally two accused in C.C.No.509 of 2021 and the petitioner is arrayed as 2nd accused. The 1st accused died on 23.01.2021 and therefore, the charges against him stand abated. Insofar as the petitioner is concerned, he was working as a Manager under the 1st accused. The entire hospital premises had been leased out for a period of 10 years under a registered lease agreement. However, the 1st accused failed to pay the lease amount to the 2nd respondent, which resulted in a dispute between them.

7. It is further alleged by the 2nd respondent that the 1st accused attempted to sell the entire premises without his knowledge and also attempted to sublease the same. Except for the statement recorded under Section 161 Cr.P.C., from the 2nd respondent, there is no material to show that the 1st accused had sold or

Page 4 of 7



subleased by subject property. Further, there is absolutely no material to show that the petitioner had abetted the 1st accused. The petitioner, being only a Manager under the 1st accused, has been unnecessarily implicated as an accused. Moreover, though the 2nd respondent has alleged that he was prevented from entering the hospital premises, there is no material to substantiate that the petitioner played any role in such alleged obstruction.

8. The entire proceedings against the petitioner appear to be baseless. It is evident that the complaint has been lodged only to recover the arrears of lease amount from the 1st accused and to regain possession of the premises. After the death of the 1st accused, possession of the premises has already been handed over the 2nd respondent. The petitioner, being merely an employee working on a monthly salary under the 1st accused, cannot be held liable for the alleged acts.

9. In view of the above, the proceedings in C.C.No.509 of 2021 on the file of the Judicial Magistrate No.VII, Coimbatore, cannot be sustained as against the petitioner and is liable to be quashed. Accordingly, quashed.

10. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.



CrI. O.P. No. 9300 of 2023

11. It is also made clear that any observations made by this Court shall not influence any other forums while dealing with any civil proceedings initiated by the 2nd respondent.

10.03.2026

Neutral Citation :Yes/No
AT

To

1.The Judicial Magistrate No.VII, Coimbatore.

2.The Inspector of Police,
City Crime Branch,
Coimbatore City.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl. O.P. No. 9300 of 2023

G.K.ILANTHIRAIYAN. J,

AT

Crl. O.P. No. 9300 of 2023 and
Crl. M.P. Nos. 6017 & 6018 of 2023

10.03.2026