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Sarathi.K vs State Rep. by

Sarathi.K vs State Rep. by

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Court : Chennai Orders

Decided On : Sep-02-2025

Judge : Honourable Mr Justice N. Sathish Kumar

Appeal No. : WP/11152/2024

Appellant : Sarathi.K

Respondent : State Rep. by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR W.P No.11152 of 2024 and W.M.P.Nos.12233 and 12226 of 2024

1. Sarathi

2. Irudhayaraj

3. Fathima @ Anbhazagi Zheel

4. Thamizhyaazhagi Zheel ... Petitioners Vs.

1. State rep by the Station House Officer, Odiansalai Police Station, Puducherry.

2. State rep by the Station House Officer, CBCID Police, Puducherry.

3. The Bar Council of Tamilnadu and Puducherry represented by its Chairman. Chennai, Tamilnadu - 600 104.

4. Sivasankaran

5. Antoniot Justin Ernest

6. Vetrivel

7. RV. New tone ... Respondents PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarfied Mandamus or any other writ calling

for the first respondent in Crime No.169 of 2021 dated 28.07.2021 and the consequential impugned charge sheet of the second respondent in Crime No.169 of 2021 dated 2807.2021 and the consequential impugned charge sheet of the second respondent in Crime No.169 of 2021 in C.C.471 of 2023 dated 31.03.2023 pending on the file of the Hon'ble Chief Judicial Magistrate at Puducherry and quash the same as highly illegal, Malafide and abuse of process of Court and consequentially direct the 3rd respondent to take appropriate action on the complaint dated 04.04.2024 given by the second petitioner. For Petitioner : Mr.K.S. Ilangovan for M/s Achari Associates For Respondents 1 and 2 : Mr.K.S.Mohandass, PP Asst by Ms.N.Devalatchoumy Government Advocate(Crl side) For Respondent - 3 : Mr.C.K. Chandrasekar, SC

For Respondents-4 & 5 : Mr.P.Gajendra babu For Respondent 6 : Mr.E. Prakash Adiapadam

ORDER

The petitioner has filed this writ petition to issue a Writ of Certiorarfied Mandamus calling for the first respondent in Crime No.169 of 2021 dated 28.07.2021 and the consequential impugned charge sheet of the second respondent in Crime No.169 of 2021 dated 28.07.2021 and the consequential impugned charge sheet of the second respondent in Crime No.169 of 2021 in C.C.471 of 2023 dated 31.03.2023 pending on the file of the Hon'ble Chief Judicial Magistrate at Puducherry and quash the same as highly illegal, Malafide and abuse of process of Court and consequentially direct the 3rd respondent to take appropriate action on the complaint dated 04.04.2024 given by the second petitioner.

2. The first petitioner is an advocate by profession and he was

inducted as a tenant under the defacto complainant and having office at the ground floor of the subject property. The petitioners 2 to 4 are lease holders in the second floor. Admittedly there was a dispute between the first petitioner and the defacto complainant with regard to vacating the subject property. Therefore, the defacto complainant has lodged a complaint in Crime No.169 of 2021 before the Puducherry Police Station and after the investigation final report came to be filed before the Judicial Magistrate, Puducherry in C.C.471 of 2023 on 31.03.2023. To quash the same the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that due to

tenancy dispute the petitioner initially has lodged a complaint in Crime No.168 of 2020. The present complaint is registered in Crime No.169 of 2021 by the defacto complaint is a false one and the same is far away from the real occurrence. Hence prays to allow this petition.

4. On a perusal of the entire allegations, particularly the statement of

witness indicates that the petitioner was inducted as a tenant under the defacto complainant and when he was requested to vacate the subject property he demanded a sum of Rs.17.5 lakhs. The defacto complainant mobilised funds in various sources through the bank transactions, even after paying the demanded amount, the petitioner failed to vacate the premises and he has also assaulted the

defato complainant, due to which he was affected. The statement of witnesses clearly indicates that the defacto complainant has made a request in the manner known to law. Further more whether the statement of witness reveals falsehood or truth shall be decided only after adducing evidence and also completion of trial. There was also a case in counter. Therefore, it would be appropriate that both the matters should be heard jointly by the very same Judge. Hence, I do not find any merits in the the entire application to quash the final report.

5. Accordingly, this Writ Petition is dismissed. Consequently the connected miscellaneous petition are closed. No costs. 02.09.2025 Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no smn To,

1. State rep by the Station House Officer, Odiansalai Police Station, Puducherry.

2. State rep by the Station House Officer, CBCID Police, Puducherry.

3. The Bar Council of Tamilnadu and Puducherry represented by its Chairman. Chennai, Tamilnadu - 600 104.

3. The Public Prosecutor, High Court of Madras.

N. SATHISH KUMAR, J.

smn W.P No.11152 of 2024 and W.M.P.Nos.12233 and 12226 of 2024 02.09.2025

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