



Crl.R.C.(MD)No.227 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:09.02.2026

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD)No.227 of 2026

Mariraj

... Petitioner

Vs

State Of Tamilnadu,
Rep by Inspector Of Police,
Virudhunagar East Police Station,
Virudhunagar.
Crime no.28 of 2024.

... Respondent

Prayer: To call for the Records pertaining to Crl.MP.No.30 of 2025 dated 28.11.2025 in S.C.No.141 of 2024 pending on the file of Additional District Judge, Virudhunagar and set aside the said order dated 28.11.2025.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.M.Karunanithi
Government Advocate



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ORDER

The present criminal revision petition is filed challenging the order dated 28.11.2025 passed by Additional District Judge, Virudhunagar, in Crl.MP No.30 of 2025 in S.C. No. 141 of 2024, whereby petition filed under Sections 227 of the Cr.P.C. (corresponding to Section 250 of BNSS), seeking to discharge the petitioner, was dismissed on the finding that no illegality or infirmity was found in the charge sheet.

2. The brief facts of the case are that defacto complainant, who is the Security Officer at Rajalakshmi Spinning Mill Private Limited, Virudhunagar, lodged a private complaint. It was alleged that on 03.02.2024, at about 1:30 am, while the defacto complainant was on night duty and at rounds near the time office, he suddenly heard a loud noise. He immediately rushed to the spot and saw that the glass door was broken and the accused/petitioner herein was standing near the broken glass door of the office, holding a stone. When defacto complainant questioned the accused/petitioner herein, he abused the defacto complainant using foul language. Accused/petitioner herein fled the scene on resistance from defacto complainant and other security officers. Based on the above facts, complaint was lodged by defacto complainant after consulting with



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the management, and the same was registered for offence under Section 294(b), 506(ii) IPC, and Section 3(1) TNPPDL Act 1992, on very same day at 04:00 am.

3. Learned counsel for petitioner would submit that a discharge petition was filed seeking discharge from the aforesaid case. However, same was rejected on the premise that no illegality or infirmity was found in the charge sheet filed by the prosecution.

4. Aggrieved, petitioner filed present criminal revision petition relying upon recent judgement of this Court in the case of **S.Vinayak vs. The State Rep. by, The Inspector of Police** reported in 2025 SCC OnLine Mad 5293, wherein it was found that in respect of private property, Section 3(1) of TNPPDL Act may not get attracted.

5. Learned Government Advocate (Crl.Side) would submit that the above submissions are contrary to the order of Hon'ble Division Bench of this Court in **Mangalanatha Durai and others vs. State**, in Crl.RC(MD).No.869 of 2022 dated 08.06.2023, wherein, this Court on reference found that TNPPDL Act would in fact apply to private properties as well. The question referred to by the Division Bench was as follows :-



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“Whether or not, the offence causing loss or damage to the private properties during private dispute between two groups or individuals can be investigated and tried as per the provisions of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 as amended by Act 46 of 1994.”

6. After referring to the statement of the objects and amendment to the said enactment, reference was answered as follows:-

“26. The statement of objects and reasons of the amending Act of 1964 also states that a decision has been taken to amend the Act suitably providing for punishments of persons who actually caused damage or loss to private property and to make the political parties or communal, language or ethnic group which organized such procession, assembly, meeting, agitation, demonstration or other activities liable to pay compensation for the damages. Therefore, it is very clear that the intendment of the legislature was to provide for punishment to persons who cause damage and also to make the organisers of processions, assemblies, meetings, agitations, demonstrations or other activities, liable to pay damages. We are therefore constrained to conclude that the word used in the statement of objects and reasons would necessarily repel the interpretation that is sought to be placed by the Hon'ble Judges who concluded that the Act cannot be invoked in respect of damage caused to private property in a private dispute.

27. We are therefore constrained to conclude that the charging provisions of the Act being clear and unambiguous, taking recourse to the statement of objects and reasons so as to give a restricted interpretation to the enactment is not justified. With great respect to the Hon'ble Judges who decided Logu @ Loganathan v State; Pavalayee v. State; Bhuvaneswaran v. State; Annamalai v. State; and R. Vijayalakshi v. State, we conclude that the Act would apply to even cases of damage to private property in a private dispute. We therefore overrule those judgments and approve the judgments in Venkataesam v. State; Giri v. State; Balu v. Jayaganthan, and R.Mokkamayan v. State.



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28. Thus the question No. I referred to us is answered to the effect that even loss or damage to private properties caused during private disputes between two groups or individuals can be investigated and tried under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 as amended by Act 46 of 1994.”

Thus, submission of learned counsel for petitioner that invoking TNPPDL Act, 1992, in respect of damage to private property is without jurisdiction, cannot be sustained.

7. He would further submit that TNPPDL Act, 1992, would apply only in respect of damage caused by fire or explosives to the property. Admittedly, the alleged damage was not caused by fire or explosives but only by throwing a stone and therefore, invoking Section 4 of the TNPPDL Act is without jurisdiction.

8. On the other hand, learned counsel for respondent would submit that petitioner fails to see that charge was altered and the alleged acts were treated as constituting an offence under Section 3(1) of the TNPPDL Act, as can be seen from the following extract:-

“இவ்வழக்கின் எதிரியானவர் விருதுநகர் பேராலி ரோட்டில் உள்ள ராஜலட்சுமி ஸ்பின்னர்ஸ் பிலிட். வளாகத்தினுள் இருக்கும் டைம் ஆபிசின் முன்புறமுள்ள கண்ணாடியை கல்லால் உடைத்துள்ளார் என்பதாலும்



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சார்பு ஆய்வாளர் திரு.T.ரவி என்பவரை விசாரித்து வாக்குமூலம் பதிவு செய்ததில் இருந்தும் முதல் தகவல் அறிக்கையில் கைதவறுதலாக 294(b), 506(ii) IPC and 4 of TNPPDL Act ஆக வழக்குப் பதிவு செய்யப்பட்டுள்ளது எனத் தெரியவருவதால் இவ்வழக்கின் சட்டப்பிரிவை 294(b), 506(ii) IPC and 4 of UNPPDL Actலிருந்து 294(b), 506(ii) IPC and 3(1) of TNPPDL Act ஆக மாற்றம் செய்து இந்த அறிக்கை சமூகம் நீதிமன்றத்தில் பணிந்து சமர்ப்பிக்கின்றேன்.”

9. It is trite that charges can be altered at any stage before judgment is pronounced, which is not seriously disputed by petitioner. Submissions were made only in relation to alleged offence under Section 294(b) and 506(ii) of the IPC, while having discharge petition.

10. In such circumstances, this Court is of the view that impugned order does not warrant any interference. Accordingly, this criminal revision petition stands dismissed. No costs.

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Index :yes/No
Internet:yes/No
rgm



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To

1. The Inspector Of Police,
Virudhunagar East Police Station,
Virudhunagar.
Crime no.28 of 2024.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court.
3. The Additional District Judge, Virudhunagar



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MOHAMMED SHAFFIQ,J.

rgm

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