



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.7211 of 2018

M/s Aphro Trust
Rep. by its Founder and President
I.P.Yesudoss
S/o Panchanathan
No.24, 2nd Cross Street
VMK Nagar, Surapet Main Road
Vinayagapuram
Chennai 600 099.

.. Petitioner/Party in person

Vs

1.The Superintendent of Police
Head Quarters, EOW-2
No.C-48, Block-2
Sidco Old Corporate Office Building
Guindy
Chennai 600 032.

2.S.Arumugam
S/o G.Selvaraj
Sub-Inspector of Police
Central Crime Branch, Team-1
Commissioner of Police Building
EVK Sampath Road
Vepery, Chennai 600 007.

3.Radhika
Deputy Commissioner of Police
Central Crime Branch, Team-1
Commissioner of Police Building
EVK Sampath Road
Vepery, Chennai 600 007.

4.Inspector of Police
Kurinjipadi Police Station
Cuddalore District.

5.Vasanthan
Chief General Manager
Reserve Bank of India
Fort Glacis
Chennai 600 001.



6.The Chief Editor
Daily Thanthi
No.86, EVK Sampath Road
Vepery
Chennai 600 007.

7.The Chief Editor
Junior Vikatan
No.757, Anna Salai
Chennai 600 002.

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct to remove the non prima facie sections 406, 420 and 120-B IPC in FIR No.396 of 2012 which was registered suo motu and arbitrarily by police and to direct RBI to initiate action u/s 58(B)(1) RBI Act in an appropriate court.

For Petitioner	: Mr.I.P.Yesudoss (Party-in-Person)
For R1	: Mr.C.Emalias Public Prosecutor Assisted by Mrs.Kritika Kamal P. Government Advocate (Crl.Side)
For R6	: Mr.V.Sanjeevi
For R7	: Mr.N.Ramesh

O R D E R

On the complaint lodged by S.Arumugam, Sub-Inspector of Police, the Central Crime Branch has registered a case in Cr.No.396 of 2012 for the offences under Sections 406, 420, 120-B IPC and Section 58(B)(1) of the Reserve Bank of India Act. This petition has been filed with a peculiar prayer to remove non prima facie sections from the FIR in Cr.No.396 of 2012.

2. Heard Mr. I.P.Yesudoss (Party-in-Person) and Mr.C.Emalias, learned Public Prosecutor for the State.

3. Mr.Yesudoss contended that he was not conducting the business of Microfinance and that he had only helped women self-help groups by arranging finance for their business. He further submitted that based on a newspaper report, the FIR has been registered and therefore, it is clearly an abuse of process of law. It is his further contention that the police have registered eight FIRs against him, whereas, the same is not permissible.

4. At the outset, the prayer for alteration of the FIR is not maintainable under Section 482 Cr.P.C., since, unlike the Code of Civil Procedure, where the pleadings can be amended, the FIR cannot be altered on the directions of the Court. It is common knowledge that FIR is not an encyclopaedia of the



prosecution case. During investigation, it is always open to the respondent police to either add to the penal sections or delete certain sections, depending upon the evidence collected by them. Under such circumstances, the present prayer of the petitioner is misconceived.

In the result, this petition stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Superintendent of Police
Head Quarters, EOW-2
No.C-48, Block-2
Sidco Old Corporate Office Building
Guindy
Chennai 600 032.

2. The Inspector of Police
Kurinjipadi Police Station
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Sanjeevi, Advocate sr.no.43324
+1cc to Mr.N.Ramesh, Advocate sr.no.43743

Cr1.O.P.No.7211 of 2018

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