

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27405 of 2017

K.Hariharan

.. Petitioner

Vs.

1. The Inspector of Police (Crime Branch),
E-2, Royapettah Police Station,
Chennai- 600 014.

2. The Deputy Commissioner of Police,
Mylapore, Chennai- 600 004.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in CFIR No. 1130 of 2016 passed by XVIII Metropolitan Magistrate Court, Saidapet, Chennai in Crime No. 420 of 2016 on the file of the Inspector of Police, E-2, Royapettah Police Station, Chennai and enquire the same therein the FIR alter the section as 379 of IPC to be mentioned and invoked instead of Section 408 of IPC.

For Petitioner : Mr.C.Murugesan

For Respondents : Mrs.P.Kritia Kamal
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order in CFIR No. 1130 of 2016 passed by XVIII Metropolitan Magistrate Court, Saidapet, Chennai in Crime No. 420 of 2016 on the file of the Inspector of Police, E-2, Royapettah Police Station, Chennai and enquire the same therein the FIR alter the section as 379 of IPC to be mentioned and invoked instead of Section 408 of IPC.

2. On a perusal of the averments made in the complaint, it is seen that the defacto complainant had assigned a job to the accused herein to take his car to the mechanic shed for service. However, the accused had neither turned up at mechanic shed nor had he responded to the phone calls.

3. In my view, the avements in the complaint expresses the accused's dishonest intention to take the car out of the possession of the complainant without his consent which attracts an offence under section 378 IPC punishable under section 379 IPC.

4. In view of the same, there shall be a direction to the respondent police to alter the offence in the FIR in Crime No. 420 of 2016 from section 408 IPC to Section 379 IPC.

5. With the above observation, the Criminal Original Petition stands allowed.

17.01.2018

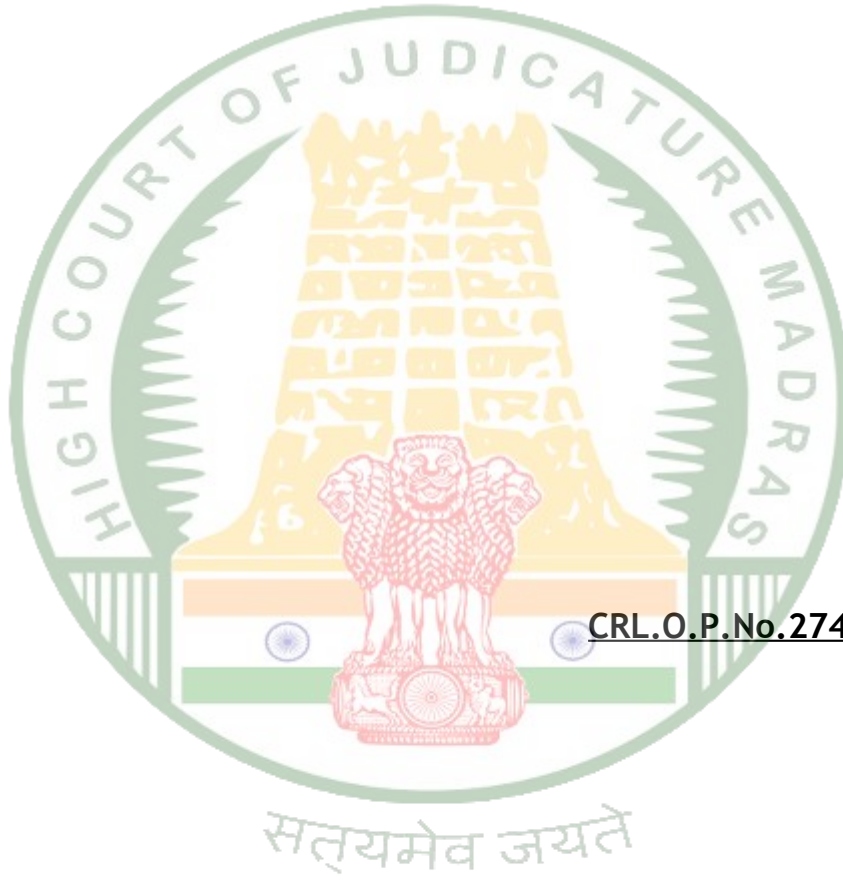
Index : Yes/No
Internet: Yes/No
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To

1. The XVIII Metropolitan Magistrate
Saidapet, Chennai.
2. The Inspector of Police (Crime Branch),
E-2, Royapettah Police Station,
Chennai- 600 014.
3. The Deputy Commissioner of Police,
Mylapore, Chennai- 600 004.

M.S. RAMESH.J.,

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