

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10963 of 2019

Sekar @ Palanisamy

... Petitioner

Vs.

The State rep. by
the Inspector of Police,
Nambiyur Police Station,
Erode District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to alter the FIR under Section 147, 294(b), 324, 447, 506 (ii), 427 of IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage & Loss Act, 1992 of IPC instead of u/s 147, 294 (b), 324, 506 (ii) and 427 of IPC in Crime No.64 of 2019 on the file of the respondent within a stipulated period which is prescribed by this Court.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to alter the FIR under Section 147, 294(b), 324, 447, 506 (ii), 427 of IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage & Loss Act, 1992 of IPC instead of u/s 147, 294 (b), 324, 506 (ii) and 427 of IPC in Crime No.64 of 2019 on the file of the respondent within a stipulated period which is prescribed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner was running a petty shop at that time the accused attacked the petitioner in a drunken mood and sustained serious injury and was admitted in the Gobichettipalayam Government Hospital for further medical treatment. Thereafter, the respondent police registered an FIR in Crime No.64 of 2019 u/s.147, 294(b), 324, 506(i) and 427 IPC. The accused also damaged articles worth about 1,50,000/- including Tamilnadu

Government T.V. Cables an TNGEDCO cables hence the Tamil Nadu property (Prevention of Damage and Loss) Act, 1992 would attract and the accused have also committed criminal trespass and the respondent police have failed to include those offences in the registered FIR. Hence, this petition.

3.Considering the facts and circumstances of the case, the petitioner is directed to submit all the material evidence before the respondent police. The respondent police after receipt of the same is hereby directed to conduct enquiry and if any cognizable of offence is made out as alleged by the petitioner, the same shall be altered in the FIR accordingly.

4.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Nambiyur Police Station,
Erode District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Chinnaraj, Advocate SR.No.39760

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RK (CO)
GMY (22/05/2019)

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