



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.6411 of 2020

R.Elangeshwaran

... Petitioner

Vs.

The State represented by

1.The Superintendent of Police
Office of Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Reddy Chavadi Police Station,
Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to alter the offence in FIR in Crime No.115 of 2019 by including the section 3[2][e] of Prevention of Damages to Public Properties Act, 1984 along with Sections 430 and 431 of I.P.C.

For Petitioner : Dr.R.Ramalingam

For Respondents: Mr.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to alter the offence in Crime No.115 of 2019 on the file of the second respondent police registered under Section 430 and 431 of IPC.

2. It is seen from the records that the the road was damaged and altered the structure by one Shankar and his son Kiruba and his younger brothers Mr.Amuthan and Murugan no 14.02.2019 violating the law. Therefore, a complaint was registered before the second respondent and later it is informed that the road was made ready with stones and cement, therefore FIR cannot be registered and the CSR was issued to the complainant. The petitioner filed a Crl.O.P to register the complaint and is disposed of by granting liberty to complainant to workout his remedies in accordance with guidelines of Hon'ble Division Bench. The petitioner proceeded accordingly and the SHO



concerned did not implead Section 3(2)(e) of Prevention of Damages to Public Properties Act wantonly and the said SHO did not appear before the Court concerned and an order was passed by the Court directing the Investigation Officer to conduct enquiry and file a final report.

3. Considering the above facts and circumstances, the second respondent is directed to complete the investigation and during the course of investigation, if there are ingredients to attract the offences as alleged by the petitioner, the second respondent is directed to alter the FIR accordingly and file a final report as expeditiously as possible.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Superintendent of Police
Office of Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Reddy Chavadi Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+2 ccs to Dr.R.Ramalingam Advocate sr23898

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