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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6761 of 2022

Abdul Rahman

...Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore District.

2.The Inspector of Police,
Madukkarai Police Station,
Coimbatore.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to alter the FIR in Crime No.500 of 2021 for offences under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and to include 15 offenders found in the video clipping as accused and to investigate the same in accordance with law.

For Petitioner : Mr.M.Mohamed Riya

For Respondents : Mr.A.Gokulakrishnan,
Additional Public PROsecutor

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the second respondent to alter the FIR in Crime No.500 of 2021 for the offences under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and to include 15 offenders found in the video clipping as accused and to investigate the same.

2. The case of the petitioner is that he is the owner in possession of all the piece and parcel of property situated at



Door No.535/1, Seerappaalayam Village, Madhukkarai Taluk to an extent of 3.33 acres having purchased the same by way of Sale Certificate dated 22.01.2021 executed by the authorized officer of the Canara Bank, registered as the Doc.No.4844 of 2021 in the office of Sub Registrar, Madukkarai. The further case of the petitioner is that on 27.08.2021 around 3.00 pm, the previous owners of the land viz., Kailash Raja, Mukesh Raja, Ramesh Raja and Vikram along with 15 persons had criminally trespassed into the property and damaged the fencing worth of Rs.2,00,000/- and abused the petitioner with filthy languages and intimidated the petitioner by showing deadly weapons. It is the further case that the entire incident was video graphed and immediately after the incident, the same was informed to police through helpline number 100, whereas, the second respondent instead of registering FIR, conducted enquiry and no action has been taken by the respondent police. Thereafter, the second respondent registered a case in Crime No.500 of 2021 for the offence under Section 447, 427, 294(b) and 506(i) of IPC as against four named persons. Though there are specific allegations that accused person along with 15 other persons had committed offence, they have been deliberately dropped. Further, the offence under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 has not been included. Thereby, the petitioner had filed representation seeking to alter the FIR by including Section 427 of IPC for Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. However, the representation dated 17.03.2022 has not been considered.

3.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner's representation has been received and investigation is in progress. After investigation, if materials were found against the other fifteen persons, they would also be arrayed as accused in the case and necessary provision will also be altered.

4. Recording the same, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

shk/sai



To

1. The Superintendent of Police,
Coimbatore District.

2. The Inspector of Police,
Madukkarai Police Station, Coimbatore.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr. M. Mohamed Riyaz, Advocate SR. No. 20296

Cr1.O.P.No.6761 of 2022

MG (CO)
PR (13/04/2022)