



CrI.O.P.No.19876 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.19876 of 2022

N.Manivannan	...	Petitioner
	/vs/	
1.The Inspector of Police, J-1, Saithapetai Police Station, Chennai District.		
2.C.Manoj Kumar Superintendent of Fisheries Department, Chief Engineer, Nandhanam, Chennai.	...	Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in Crime No.58 of 2019 pending on the file of the 1st respondent police.

For Petitioner	...	Mr.P.Muthamizhselvakumar
For Respondent	...	Mr.E.Raj Thilak Additional Public Prosecutor



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ORDER

This criminal original petition has been filed challenging the case registered in Crime No.58 of 2019 by the respondent police on 12.02.2019 for the offences punishable under Sections 448, 341, 353, 294(b), 427 & 506(1) IPC.

2.The learned counsel for the petitioner submitted that all the offences are punishable with a imprisonment below three years and the final report has not been filed within the period of limitation. Being barred by limitation, it has to be quashed.

3.The learned Additional Public Prosecutor for the first respondent submitted that admittedly, the case has been initially registered for the offences punishable under Sections 448, 341, 353, 294(b), 427 & 506(1) IPC but on the same date itself, the case has been altered for the offences under sections 448, 341, 353, 506(1) IPC & Section 3 of TNPPDL Act for damaging the public property. While the accused Manivannan was remanding, the altered FIR has been forwarded to the jurisdictional



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Magistrate and offence under Section 3 of TNPPDL Act is punishable with a imprisonment for 5 years. Therefore, the case is not barred by limitation.

4.I have considered the submission made by the learned counsel for the petitioner as well as the submission made by the Additional Public Prosecutor for the first respondent.

5.On perusal of the records, it reveals that the respondent police has registered a case in Crime No.58 of 2019 on 12.02.2019 for the offences punishable under Sections 448, 341, 353, 294(b), 427 & 506(1) IPC and further, on reading the averments of FIR, it is seen that on 12.02.2019 at 5.00p.m. to 5.30 p.m the petitioner along with the others entered into the office of the defacto complainant and damaged a computer in the office worth about Rs.15,000/-. Hence, the FIR in Crime No.58 of 2019 has been altered for offences under sections 448, 341, 353, 506(1) IPC & Section 3 of TNPPDL Act. Further, prima facie discloses the cognizable offence. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, M/s



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(2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR

(1985 Crl.L.J.817), the matter has to be investigated to find out the truth.

Therefore I find no merit in the present petition. Accordingly, the criminal original petition is dismissed.

Index : Yes/No

Internet: Yes/No

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13.10.2022

To

- 1.The Inspector of Police,
J-1, Saithapetai Police Station,
Chennai District.
- 2.C.Manoj Kumar
Superintendent of Fisheries Department,
Chief Engineer, Nandhanam,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

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