



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.26903 of 2021

M/s. Varadharaja Foods Private Limited,  
Rep.by its Director,  
Mr. M.Balraj  
S/o.N.Mohan  
No.3/2C2, Ponnappa Gounapalli Village,  
V.Mathepalli Post,  
Krishnagiri District,  
Krishnagiri - 635 121.

... Petitioner

Vs.

- 1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri - 635 115.
2. The Deputy Superintendent of Police,  
Krishnagiri District,  
Tiruvallur District.
3. The Inspector of Police,  
Veppanapalli Police Station,  
Krishnagiri.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents to modify the FIR No.210 of 2021 dated 10.11.2021 by adding the value of the stolen properties is Rs.2,00,00,000/-, U/Sec.148 and 382 of IPC based on the petitioner's representation dated 18.11.2021 and recover the stolen Mango Pulp barrels and add the other 30 accused.

For Petitioner : Mr.D.Gopinathan  
for Mr.R.Kalyan Kishsen Singh  
For Respondents: Mr. R.Vinothraja  
Government Advocate (Crl.side)

#### ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents to modify the FIR No.210 of 2021 dated 10.11.2021 by adding the value of the stolen properties as Rs.2,00,00,000/-, under Sections 148 and 382 IPC, based on the petitioner's representation dated 18.11.2021 and recover the stolen Mango Pulp barrels and add the other 30 accused.



2.The grievance of the petitioner/defacto complainant in Crime No.210 of 2021 is that in the above case, though the value of the stolen properties was mentioned to the respondent police, offences under sections 147, 342, 506(1) and 380 IPC had been incorporated in the FIR, but, the value of the stolen properties had not been mentioned. Therefore, the petitioner had sent a representation to the higher officials. Thereafter too, no action has been taken. Hence, he has filed this writ petition to modify the FIR dated 10.11.2021, by adding the value of the stolen properties as Rs.2,00,00,000/-, under Sections 148 and 382 IPC, based on the petitioner's representation dated 18.11.2021 and recover the stolen Mango Pulp barrels and other valuables and also secure the 30 accused who are involved in this case.

3.The learned Additional Public Prosecutor submits that the complaint of the petitioner had been annexed and it forms part of the case Diary and the non inclusion of the value of the stolen properties will in no way affect the case. The petitioner's statement has been recorded. If there is any other input and materials to be brought on record, the petitioner to approach and appear before the third respondent police and his statement will be recorded with all particulars and necessary alteration report can be filed and FIR as such cannot be modified.

4.Considering the submissions of the petitioner and on a perusal of the materials, this Court directs the petitioner/defacto complainant to appear before the third respondent police along with all the materials giving his statement and thereafter, the respondent police would record the same and collect the materials, file a proper alteration report and include the offence in this case.

5.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sli

To

1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri - 635 115.



2. The Deputy Superintendent of Police,  
Krishnagiri District,  
Tiruvallur District.

3. The Inspector of Police,  
Veppanapalli Police Station,  
Krishnagiri.

4. The Public Prosecutor,  
High Court, Madras.

W.P.No.26903 of 2021

PL(CO)  
A.SK(01.02.2022)