



WEB COPY



W.P.No.5443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5443 of 2023

Silambarasan

.. Petitioner

Vs

1.The Superintendent of Police,
Chengalpattu District,
Vidyashakar College Campus,
Chengalpattu.

2.The Inspector of Police,
G4-Cheyyur Police Station,
Chengalpattu District.

3.Mohangandoss

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to alter the appropriate provision of law from Sections 447, 430 of IPC to Sections 447, 430, 379 of IPC read with Section 21 of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.302/2022 on the file of the second respondent police station and take action against 3rd respondent in accordance with law.



W.P.No.5443 of 2023

WEB COPY

For the Petitioner : Mr.K.Shanmugam

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Silambarasan, son of Sivasankarangopal, a resident of Puthupatti Village, Cheyyur Taluk, Chengalpattu District, has filed this writ petition seeking issuance of a writ of mandamus directing the second respondent to alter the appropriate provision of law from Sections 447 and 430 of the Indian Penal Code to Sections 447, 430 and 379 of IPC read with Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.302/2022 on the file of the second respondent police station and take action against the third respondent in accordance with law.

2. Mr.K.Shanmugam, learned counsel appearing for the petitioner, would submit that the third respondent, who was elected



W.P.No.5443 of 2023

as the President of Nemmantham Village Panchayat, had, on 17.12.2022, stolen 10 units of sand from the government poramboke land admeasuring an extent of 0.99 acre comprised in S.No.19/19, Pudupattu Village, Cheyyur Taluk, by using a JCB machine and lorry bearing registration No.TN 21 AY 9902, and stored the stolen sand in his own land. With regard to the alleged sand theft, the Village Administrative Officer lodged a complaint before the second respondent on 17.12.2022, which was registered as Crime No.302 of 2022 only under Sections 447 and 430 of the Indian Penal Code, even though the complaint discloses the offences under Section 379 of the Indian Penal Code and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957. That apart, it is alleged that no action was taken against the third respondent, as he is the Village Panchayat President. Ventilating his grievance, the petitioner sent a representation to respondents 1 and 2 on 12.1.2023 by Registered Post with Acknowledgment Due. Since no action was taken based on the said representation, the petitioner has been advised to file this writ petition.



W.P.No.5443 of 2023

WEB COPY

3. It is well-settled that in matters of criminal investigation and criminal trial, the jurisdiction under Article 226 of the Constitution should not be invoked either to stop investigation, quash investigation or to interfere in investigation. That apart, an FIR cannot be accepted as an encyclopedia to find everything in it. The FIR is not expected to contain every minute detail of the occurrence. It is enough if the FIR mentions the offence so as to set the machinery of law in motion by complaint which enables the police to start investigation regarding the offence reported.

4. A bare perusal of the documents filed in support of the writ petition shows that a crime has been registered with regard to the alleged offence and the same is pending investigation. The respondent authorities, on conclusion of investigation, are empowered to alter the charges. In our considered opinion, the petitioner cannot invoke the jurisdiction under Article 226 of the Constitution of India seeking alteration of charges.



W.P.No.5443 of 2023

For the foregoing reasons, the writ petition is dismissed.

There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
24.02.2023

Index : No
Neutral Citation : No
sasi

To:

- 1.The Superintendent of Police,
Chengalpattu District,
Vidyashakar College Campus,
Chengalpattu.
- 2.The Inspector of Police,
G4-Cheyyur Police Station,
Chengalpattu District.



WEB COPY



W.P.No.5443 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

W.P.No.5443 of 2023

24.02.2023