



W.P(MD)No.18951 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18951 of 2015
and
M.P.(MD)No.1 of 2015

S.Muthuraman

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Home Department,
St. George Fort,
Chennai - 9.
2. The Inspector General of Police,
South Zone, Alagar Kovil Road,
Madurai.
- 3.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Inspector of Police,
Keela Seval Patti Police Station,
Sivagangai District.
- 5.C.Vijyakumar,
Sub-Inspector of Police,



W.P(MD)No.18951 of 2015

Keela Seval Patti Police Station,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to initiate appropriate actions and criminal proceedings against the 5th respondent for tampering the court records in connection with FIR lodged in Crime No.136/2014 on the file of the Keela Seval Patti Police Station, Sivagangai District.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R2 & R4.

ORDER

The petitioner / Muthuraman is the defacto complainant in Crime No.135 of 2014 registered on the file of Keela Seval Patti Police Station. His allegation is that the land comprised in S.No.85/1, Keela Seval Patti



W.P(MD)No.18951 of 2015

belongs to him and that by creating a forged documents, it was seized by one Chinnaiah and his family. In that regard Crime No.42 of 2012 was registered and the same culminated in C.C.No.190 of 2013 on the file of learned Judicial Magistrate, Thirupathur. Whiles on 01.08.2014 at around 07.30 am, Chinnaiah and his family members were ploughing the land; when that was questioned by the petitioner's son, he was attacked resulting in head injury. Subsequently on the same day, Chinnaiah lodged a complaint against the sons of the petitioner. It was registered as Crime 136 of 2014. The case of Chinnaiah was that on 01.08.2014 at around 06.30 am, the accused trespassed into his house and attacked him. The petitioner's allegation is that though in column No.5 pertaining to place of occurrence, it was mentioned as the house in S.No.81/5, Keela Seval Patti, subsequently the column was altered as the house of the defacto complainant in Keela Seval Patti. A further deletion was also made. The allegation of the petitioner is that such repeated changes had been made by the fifth respondent to oblige the accused. He therefore submitted complaint before the higher authorities and wanted action to be taken against the fifth respondent.



W.P(MD)No.18951 of 2015

2.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed.

3.The fifth respondent has filed counter affidavit and he took me through its contents and called upon this Court to dismiss this writ petition.

4.I carefully considered the rival contentions and went through the materials on record. In paragraph Nos.3 and 4 of the counter affidavit, the fifth respondent had explained that since a case and counter case were given in quick succession, he was under the bonafide belief that both the occurrences had taken place in the same place and that is why, originally made the erroneous entry. After realizing the same, he had made the corrections. The learned Additional Government Pleader for the fifth respondent would submit that the bonafides of the fifth respondent cannot be doubted. Whatever complaint was lodged by the respective defacto complainants were faithfully recorded in the FIRs. The correction has been made only in column No.5 relating to place of



W.P(MD)No.18951 of 2015

occurrence. This correction by itself will not have any bearing on the strength of the case. The criminal prosecution will ultimately depend upon the contents of the FIR and the testimony of the witnesses. The entry made by the investigation officer while filling up column No.5 will not affect the merits of the matter at all. This contention is reasonable and I do not find any ground to grant relief. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Secretary, Home Department,
St. George Fort, Chennai - 9.
2. The Inspector General of Police,
South Zone, Alagar Kovil Road,
Madurai.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 4.The Inspector of Police,
Keela Seval Patti Police Station,
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W.P(MD)No.18951 of 2015

G.R.SWAMINATHAN, J.

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W.P(MD)No.18951 of 2015

21.07.2023