



Crl.O.P.(MD)No.6118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **05.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.6118 of 2022

and

W.M.P.(MD).No.4241 of 2022

V.Muruganantham @ Muruganantham

... Petitioner

Vs.

1.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(In Crime No.247/2019).

2.Venus Veera Arasu

3.Paulraj

4.Balan

5.Selvakumar

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Radhapuram, Tirunelveli District and direct the first respondent police to amend the Charge Sheet by including the appropriate provisions of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in FR-437/2019, dated 06.12.2019 in Crime No.247 of 2019 on the file of the first respondent Police in the above case in C.C.No.1590 of 2020.



Crl.O.P.(MD)No.6118 of 2022

For petitioner : Mr.B.N.Raja Mohammed

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2 to R-5 : Mr.L.Jeen Felix

ORDER

This petition has been filed seeking for a direction to the learned Judicial Magistrate, Radhapuram, Tirunelveli District and further direct the first respondent police to amend the Charge Sheet by including the appropriate provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in C.C.No.1590 of 2020.

2. The petitioner made a complaint before the respondent Police under Section 4 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 as well as IPC offences. However, the respondent Police registered a case only under Section 435 IPC in Crime No.247 of 2019 and not registered the case under Section 4 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 . After conducting the investigation, the respondent Police filed a charge sheet under Section 435 IPC before the learned Judicial Magistrate, Radhapuram, Tirunelveli District and the learned Judicial Magistrate has taken cognizance in C.C.No.1590 of 2020. Aggrieved over the same, the



Crl.O.P.(MD)No.6118 of 2022

petitioner has filed this petition to amend the Charge Sheet by including the appropriate provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in C.C.No.1590 of 2020.

3. The learned counsel appearing for the petitioner would submit that the ingredients as stated in the First Information Report as well as in the charge sheet are attracted the offence under the appropriate provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in C.C.No.1590 of 2020. However, the respondent Police have chosen to file the charge sheet only under Section 435 IPC, which is not a sustainable one.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that if at all the petitioner aggrieved over the charge sheet, the only remedy available to him is to challenge the charge sheet in the manner known to law or to file a private complaint before the concerned Court by impleading the offenders. However without availing the same, the petitioner has filed this petition, which is not maintainable one.



Crl.O.P.(MD)No.6118 of 2022

5. Considering the submissions made by the learned counsels on either side, the prayer sought for in this petition cannot be granted at this stage with a simple reason that the petitioner has to file a protest petition before the trial Court in the manner known to law or to challenge the charge sheet before the concerned Court.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

05.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate, Radhapuram,
Tirunelveli District.

2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.6118 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.6118 of 2022

05.02.2024