



Crl.OP(MD).No.863 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.07.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

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and

Crl.M.P.(MD).No.3234 of 2023

- 1.R.Venkatachalam
- 2.C.Palanisamy
- 3.Mani@ P.Sengottaian
- 4.N.T.Kannusamy
- 5.V.Selvaraj
- 6.K.T.Ponnusamy
- 7.N.Balusamy
- 8.C.Soundararajan
- 9.K.K.Subramani
- 10.R.Dakshinamoorthy
- 11.Velusamy

... Petitioners/Third Parties

/vs./

- 1.State of Tamil Nadu
Rep.by its Inspector of Police
Idol Wing CID, Trichy
Crime No.3 of 2018

...1st Respondent/Petitioner

- 2.Pon Deepankar
- 3.V.N.Duraisamy

...2nd and 3rd Respondent/De-facto Complainants

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of the order passed by the learned Chief Judicial Magistrate, Kumbakonam in Crl.M.P.No.813 of 2021 dated 16.08.2023 and set aside the same.



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For Petitioner : Mr.S.Sharath Chandran

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For R-1 : Mr.P.Samuel Gunasingh,
Government Advocate (crl. Side)

ORDER

Heard Mr.S.Sharath Chandran for the petitioner and Mr.P.Samuel Gunasingh, learned Government Advocate (Criminal Side) for the 1st Respondent.

2. The present Criminal Original Petition has been filed by the accused persons in Crime No.3 of 2018 on the file of the 1st respondent police, challenging the order directing further investigation passed by the learned Chief Judicial Magistrate, Kumbakonam, in Crl.M.P.No.813 of 2021, dated 16.08.2023.

3. A perusal of the records reveals that the petitioners herein, who are trustees of Arulmigu Raja Thirukovil, Thenmugam Vellodu, Perunthurai Taluk, Erode District, had obtained prior permission from the H.R. & C.E. Department for the renovation of the temple. At the time of renovation, the idols found in the temple were relocated to a different place for their safety. One of the worshippers lodged a police complaint with the Idol Wing alleging that the idols were missing and that there had been theft of the idols. Consequently, an F.I.R.



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came to be registered in Crime No.3 of 2018. After investigation, the 1st respondent police filed a final report stating that the idols were not missing and had been relocated during the renovation. However, the Court was not satisfied with the final report and, *suo motu*, passed an order directing further investigation. The said order directing further investigation is under challenge in the present petition.

4. According to the learned counsel appearing for the petitioners, the idols are not missing and have been kept in a different place for their safety during the renovation.

5. The learned counsel for the de-facto complainant also submits that, after investigation, it has been found that the idols have not been stolen.

6. In such circumstances, this Court is of the considered opinion that the relocation of the idols during the renovation cannot be construed as idol theft, and therefore, the report of the Investigation Agency ought to have been accepted by the learned Judicial Magistrate. When no offence has been made out. The learned Judge ought not to have, *suo motu*, ordered reinvestigation into the matter.



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7. In view of the above, the impugned order is set aside, and the Criminal Original Petition stands **allowed**. Consequently, the connected miscellaneous petition stands closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The Inspector of Police
Idol Wing CID, Trichy
Crime No.3 of 2018
- 2.The Chief Judicial Magistrate,
Kumbakonam.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

Nsr

Order made in
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