



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

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THE HONOURABLE MRS.JUSTICE S.VIMALA

Cr1.O.P.(MD)No.18990 of 2015

S. SANGAIAH

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.

2. THE SUB INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
TIRUCHUZHAI TALUK,
VIRUDHUNAGAR DISTRICT.

.. Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to issue a direction directing the 2nd respondent to register a case based on the complaint dated 17-09-2015.

For Petitioner : Mr.V.Maharajan

For Respondents : Mr.P.Kandasamy

Government Advocate (Cr1.Side)

ORDER

This petition has been filed seeking a direction to the 2nd respondent to register a case based on the complaint dated 17-09-2015.

2.The sum and substance of the complaint is that in Mudukkankulam Village, there are three temples viz., Valathai Amman Temple, Muthukaruppanasamy Temple and Vannimaram Sangaiah Temple; the petitioner is in-charge of the temples and he has the key of said three temples; on 17.09.2015, at about 7.00 a.m. the petitioner and few devotees were going towards the said Vannimaram Sangaiah Temple for performing Pooja; at that time, the accused Ramu Asari and others unlawfully broken the locks of the temple and Ukkirana Mandapam and looted the copper vessels worth about Rs.1,50,000/-; when the petitioner and devotees tried to stop the same, they were threatened by the accused persons with dire consequences and the accused have escaped with looted articles. Thereafter, the petitioner has given the present complaint.

3.According to the learned Government Advocate (Cr1.Side), petition enquiry is pending.



4.As per the judgment of the Hon'ble Supreme Court in **Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]**, the respondent concerned may conduct a preliminary enquiry which shall not extend beyond a period of seven days from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned parties upon notice and follow the dictum laid down in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**. At the end of the enquiry, if any cognizable offence is made out, the concerned respondent shall register a case. In the event of effecting closure of the case upon conducting a petition enquiry, intimation regarding closure shall be sent to the complainant. It is left open to the petitioner to approach the concerned Judicial Magistrate in accordance with law, if he is aggrieved.

5. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1. THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.
2. THE SUB INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
TIRUCHUZHI TALUK,
VIRUDHUNAGAR DISTRICT.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.V.Maharajan, Advocate SR NO.58196

Cr1.O.P. (MD) No.18990 of 2015
01.10.2015

rg.12.10.2015/SK/SKN/SAR-II 2P/5C.