

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 11631 of 2020

Soma Rajarajan,
Aged 45 years,
S/o. Somasundaram,
Residing at 409, Vekkakar Street,
Kathiruppu, Sirkazhi,
Nagapattinam,
Tamil Nadu-609109 Petitioner

Vs.

1.The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam,
Tamil Nadu-609 110

2.The Director General of Police,
Economic Offences Wing,
CB-CID,
Thiru Vi Ka Industrial Estate,
Chennai-600 032

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation of Crime No.53 of 2020 pending on the file of the first respondent police to the file of the second respondent police and pass such other orders as it deems fit in the interest of the case.

For Petitioner : Mr.Sriraksha
for M/s.B.Poongkhulali

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed for direction directing to transfer the investigation of Crime No.53 of 2020 pending on the file of the first respondent police to file of the second respondent police.

2. It is averred that the Kondal Kumarasubramanya Swamy temple situated at Sirkazhi, Nagapattinam, owned by the petitioner and his family, they are the trustees of the temple and administered the same. The daily practice of the temple to open the doors at 5.30 p.m., in the morning and closed at 8.p.m., in the evening. While being so, on 17.02.2020 the petitioner went to the temple to open the doors of temple but, he found that the gates were broken and realized that three idols viz., Lord Subramanya Swamy, Goddess Valli and Goddess Deivaanai were missing, the value of the theft is more than five lakhs. He also found that the gold jewels and money kept in the steel cupboard has not been stolen. Further he lodged the complaint and the same was registered in Crime No.53 of 2020 under Sections 457(2) and 380(2) of IPC. After registering the FIR the first respondent did not take any steps to find out the accused persons and the complaint is pending on the file of the first respondent herein. For investigation of idol theft cases the Government of Tamil Nadu is constituted a separate wing. The second respondent is headed the idol theft wing and have the jurisdiction to investigate the idol theft case. Therefore, the petitioner sought for transfer the investigation from the file of the first respondent to the second respondent

3. The learned Additional Public Prosecutor would submit that the second respondent has been constituted to investigate the idol theft cases and if the case transferred to the second respondent for investigation, the matter in full-fledged manner.

4. Considering the above facts and circumstances, the nature of the crime FIR in Crime No.53 of 2020 is hereby withdrawn from the file of the first respondent police and transfer to the file of the second respondent forthwith. On receipt of the C.D file in respect of the Crime No.53 of 2020, the second respondent is directed to entrust the crime to the Jurisdiction of Idol Theft Wing and investigate the same.

5. With the above direction, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

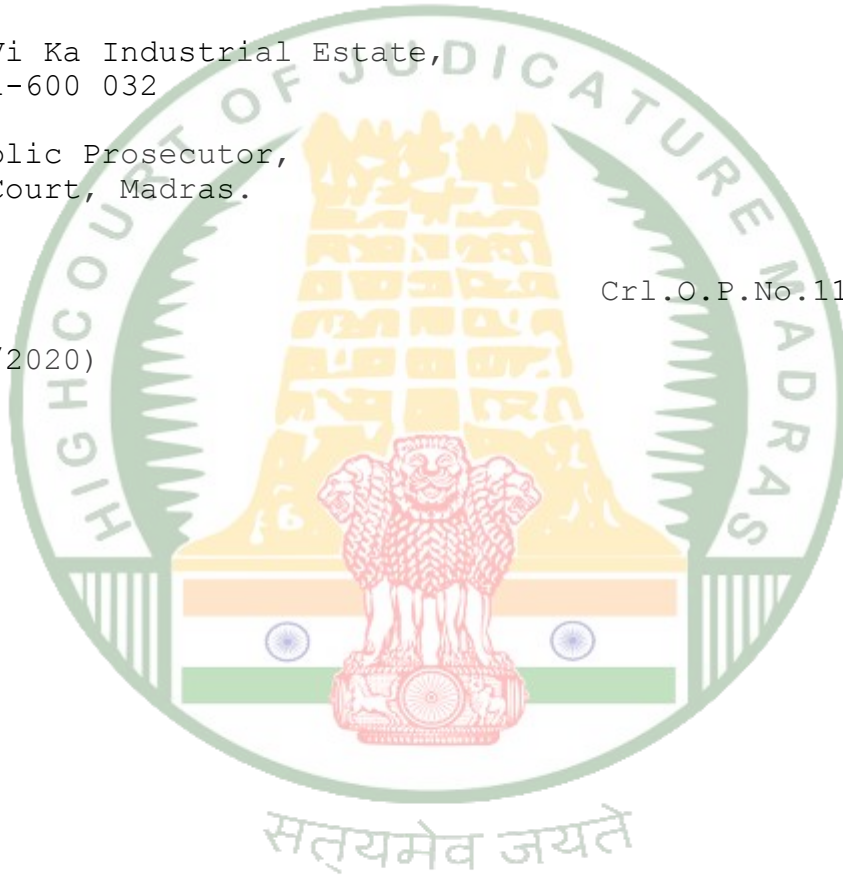
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3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.11631 of 2020

RSV(CO)
RMP(12/10/2020)



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