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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.18800 of 2015

and

M.P.No.1 of 2015

S.Sudhagar

... Petitioner

Vs.

1. The State represented by,
The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
2. The Deputy Inspector General of Police,
Idol Wing,
C48, Second Avenue,
TNHB Building,
Anna Nagar, Chennai - 40.
3. The Deputy Superintendent of Police,
Dindivanam,
Villupuram District.
4. The Inspector of Police,
Mailam Police Station,
Mailam,
Villupuram District.

... Respondents

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.49 of 2014 from the file of the 4th respondent and transfer the investigation to the file of the 2nd respondent Deputy Inspector General of Police, Idol Wing, C48, Second Avenue, TNHB Building, Anna Nagar, Chennai - 40.

For Petitioner : Mr.V.Vargees Amal Raja

For Respondents : Mr.E.Rajthilak
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.49 of 2014 from the file of the 4th respondent and transfer the investigation to the file of the 2nd respondent Deputy Inspector General of Police, Idol Wing, C48, Second Avenue, TNHB Building, Anna Nagar, Chennai - 40.

2. The case of the petitioner is that the petitioner is the President of Valarum Ilaigargal Samooga Sevai Sangam and he is an ardent worshipper of Arulmigu Sree Mayiliamman, Mailam. The said Arulmigu Sree Mayiliamman Temple was administered by Pommapuram Mutt, Mailam and they were also administering Subramania Swamy Temple at Mailam. On 01.02.2014, the Manager of Pommapuram Mutt has lodged a complaint before the 4th respondent police alleging that the said Arulmigu Sree Mayiliamman Idol was found missing in the early morning at 7.00 a.m. On receiving the complaint, the 4th respondent has registered a case in Crime No.49 of 2014 under the caption "Missing". But no action was taken by them. Since the stolen Idol is a Bronze and its worth is about Rs.30,000/-, the petitioner has approached the respondent officials several times seeking transfer of investigation from the 4th respondent to the 2nd respondent. But all his efforts went in vain. Hence he has filed this Criminal Original Petition before this Court seeking transfer of investigation from the file of the 4th respondent to the file of the 2nd respondent.

3. The Learned Government Advocate appearing for the respondents would submit that the accused whereabouts are not known, hence the FIR in Crime No.49 of 2014 has been closed as "Undeducted" and the same has been intimated to the petitioner through a notice in RCS.No.10 of 2021 dated 06.02.2021.

4. The Learned Government Advocate has also produced a copy of the final report filed before the Learned Judicial Magistrate No.II, Tindivanam, wherein, the 4th respondent police has submitted that the FIR in Crime No.49 of 2014 has been closed as "Undeducted" as whereabouts of the accused are not known, and further if they got any information about the accused persons, they will reopen the FIR and start the investigation.

5. Though it is submitted before this Court that the petitioner whereabouts are not known, the allegations against



the accused are very serious in nature. Hence this Court is inclined to transfer the investigation in Crime No.49 of 2014 from the file of the 4th respondent to the file of the 2nd respondent Idol Wing.

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6. Accordingly, the Inspector of Police, Mailam Police Station, Mailam, Villupuram District, is directed to transfer the records in Crime No.49 of 2014 to the file of the Deputy Inspector General of Police, Idol Wing, C48, Second Avenue, TNHB Building, Anna Nagar, Chennai - 40, within a period of four weeks from the date of receipt of a copy of this order, and the Deputy Inspector General of Police is directed to expedite the investigation and file a final report within a period of six months from the date of receipt of the records, since the case is of the year 2014.

7. In the result, this Criminal Original Petition is allowed with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

raja

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,
Idol Wing,
C48, Second Avenue,
TNHB Building,
Anna Nagar, Chennai - 40.
3. The Deputy Superintendent of Police,
Dindivanam,
Villupuram District.



4. The Inspector of Police,
Mailam Police Station,
Mailam,
Villupuram District.

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5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.T.Perumal, Advocate, S.R.No.31581

CRL.O.P.No.18800 of 2015
and
M.P.No.1 of 2015

CA(CO)
SU(31/08/2021)