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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18099 of 2023

1.Valli
2.Seenivasan [Samuvel]
3.Mariyappan
4.Saravanan

... Petitioners

Vs.

1.The State Rep. by its
The Inspector of Police,
Tharamangalam Police Station,
Salem, Salem District.

2.R.Ponkarthick Kumar

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the FIR in Crime No.167 of 2017 pending on the file of the 1st respondent.

For Petitioners : Mr.V.Nithyanandam

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R1



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ORDER

This petition has been filed to quash the FIR in Crime No.167 of 2017 pending investigation on the file of the 1st respondent.

2. When the matter came up for admission on 11.08.2023, this Court directed the learned Additional Public Prosecutor to take instructions as to why the FIR has been pending for the last six years without any progress. The learned Additional Public Prosecutor sought for some time to take instructions and file a status report before this Court.

3. When the matter was taken up for hearing today, a counter has been filed by the Inspector of Police, Idol Wing, CID, Trichy Range. It is seen from the counter that the Green Emerald Lingam was found to be in possession of the accused persons and there was no satisfactory answer coming forth from the accused persons as to how they came in possession of the same. Initially, an FIR was registered by the 1st respondent and thereafter, the investigation was transferred to the Idol Wing, CID. Ultimately, on receipt of the report from the Archaeological Survey of India, the lingam has been declared as non-antiquity and



there are no signs that this lingam has been taken away from any temple or place of worship and it does not have the characteristics of green emerald lingam. The Investigation Officer has concluded to the effect that at the best only an offence under Section 65 of the Madras City Police Act, 1888 has been made out, since the accused persons did not give any proper explanation as to how they are claiming to be the owners of the green Emerald lingam.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent.

5. In the considered view of this Court, the counter filed by the Inspector of Police, Idol Wing, makes it clear that the idol has no special characteristics and there is no indication that it has been taken from any temple or any other place of worship. It has been declared non-antiquity, by the Archaeological Survey of India. In view of the same, the original offences for which the FIR was registered has not been made out. The Investigation Officer has stated that at the best an offence under Section 65 of the Madras City Police Act, 1888 alone will be attracted.



6. Taking into consideration the facts and circumstances of the case and also of the fact that no useful purpose will be served in keeping the proceedings pending against the petitioners for offence under Section 65 of the Madras City Police Act, 1888 at this length of time, the FIR itself can be closed.

7. In view of the above discussion, FIR in Crime No.167 of 2017 pending on the file of the 1st respondent, is hereby quashed.

8. Accordingly, this criminal original petition stands allowed.

28.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1. The Inspector of Police,
Tharamangalam Police Station,
Salem, Salem District.



2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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