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Crl.O.P.No.12528 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.12528 of 2017 and
Crl.M.P.Nos.8162 & 8163 of 2017

- 1) M.Thiruvengadam
- 2) Gajendran

... Petitioners

-Vs-

- 1) The Inspector of Police,
Valathi Police Station,
Valathi,
Melmalaiyanur Taluk

- 2) Sankar

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the records in connection with C.C.No.62 of 2017 on the file of the Judicial Magistrate Court, Gingee and quash the same.

For Petitioners : Mr.N.Suresh

For Respondent 1 : Mr.L.Baskaran,
Govt. Advocate (Crl.Side)

For Respondent 2 : No appearance



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.62 of 2017 on the file of the learned Judicial Magistrate Court, Gingee having been taken cognizance for the offences punishable under Sections 147,506(i), 408 and 420 of IPC as against the petitioners and others.

2. Though notice was served to the 2nd respondent, no one is appeared on behalf of the 2nd respondent before this Court in person or by pleader.

3. The case of the prosecution is that the first respondent registered FIR in Cr.No.257 of 2016 for the offence under sections 147, 506(i), 408 and 420 of IPC, alleging that the 1st petitioner was engaged by the general public to do pooja for the Savalapurai Grama Drowpathi Amman Temple. The temple owned three idols and jewels which were under the care of the 1st accused. While being so, the accused obtained patta for the land in his name. When it was questioned by the general public, the accused had stolen temple property and absconded and his whereabouts not known. Hence the complaint.



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4. After completion of the investigation, the 1st respondent filed a final report for the offence under sections 147, 506(i), 408 and 420 of IPC. There are totally six accused, in which the petitioners are arrayed as A1 and A4.

5. On perusal of the final report filed by the 1st respondent, the petitioners obtained patta for the temple in their names and flew away from the temple property. The first petitioner was presented with Rs.500/- per day by doing poojas by the general public. He failed to show that income in the amount of the temple and cheated to the tune of Rs.1,80,000/-.

6. On perusal of the records reveals that the petitioners are the poojari of the Savalapurai Grama Drowpathi Amman Temple. The first petitioner obtained patta for the land which was originally classified as Puramboke. Therefore a case was registered in Cr.No.256 of 2018 for the offences alleged under sections 147, 506(i), 408 and 420 of IPC r/w.Sec.3(1) of TNPPDL Act on the file of the Inspector of Police, Valathi Police Station, Valathi, Melmalaiyanur Taluk. After completion of investigation, the 1st respondent police filed a final report and the same was taken cognizance in S.C.No.230/2017 on the file of the Additional Sessions Judge/Fast Track Court, Villupuram. However it was ended in acquittal by the judgement dated



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15.11.2022. Therefore, the present proceedings is nothing but a counter case lodged by the 2nd respondent who is the accused in S.C.No.230 of 2017.

7. It is stated that a false complaint has been foisted as against the petitioners as if they looted the money belonged to temple. Even according to the case of the prosecution, the income which was derived by the 1st petitioner while doing poojas was taken away by them. That apart, enquiry was conducted by the Tahsildar and the entire property belongs to the temple were handed over and also verified by the Tahsildar.

8. Therefore, the entire proceedings initiated as against the petitioners cannot be sustained and liable to be quashed. Accordingly, the entire proceedings in C.C.No. 62 of 2017 on the file of the Judicial Magistrate Court, Gingee as against all the petitioners is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

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Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
gvn



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To
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1. The Judicial Magistrate Court,
Gingee
2. The Inspector of Police,
Valathi Police Station,
Valathi,
Melmalaiyanur Taluk
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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