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Crl.OP.No. 8834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8834 of 2024

and

Crl.MP.No.6321 of 2024

R.Vasantha

... Petitioner

Vs.

1. The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Coimbatore District.

2. U.S.Kailasamurthy
Executive Officer,
Arulmighu Vanabadrakali Amman Temple,
Thekkampatti-641 305.
Mettupalayam Taluk,
Coimbatore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, prayed to call for the records relating to the order dated 14.03.2024 passed in Crl.MP.No.370 of 2024 on the file of the Judicial Magistrate, Mettupalayam and to set aside the same.

For Petitioner : Mr.S.Subbiah,
Senior Counsel
for M/s.Elizabeth Ravi

For Respondents : S.Udaya Kumar
Government Advocate (Crl.Side) for R1
: Mr.C.P.Sivamohan for R2



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ORDER

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The petitioner herein being aggrieved by the order passed by the learned Judicial Magistrate, Mettupalayam in Crl.MP.No.370 of 2014 is before this Court to quash the same.

2. The impugned order is nothing but direction to the first respondent police to enquire the complaint given by the Assistant Commissioner /Executing Officer of Arul Mighu Vanabadrakali Amman Temple, Thekkampatti, Mettupalayam Taluk, Coimbatore District alleging misappropriation of temple funds. The Judicial Magistrate in his exercise of power under Section 156(3) Cr.P.C has directed the first respondent police to register an FIR and investigate and file final report in accordance with law within time framed prescribed under this statute. Questioning the locus of the petitioner and the complainant and alleging malafide, the present petition is filed to quash the order passed by the Judicial Magistrate, Mettupalayam.

3. This Court is of the view that anybody set criminal law into motion and when the Judicial Magistrate, Mettupalayam primafaciely



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satisfied that investigation has been done on the complaint and the order has been passed to conduct investigation. It is for the petitioner herein to co-operate with the investigation officer to find out whether any criminalities made out on the complaint or not and file report in accordance with the outcome of the investigation. Section 482 of Cr.P.C cannot be jumped conclusion or to conduct mini trial on the complaint and decide the matter. Hence, the Criminal Original Petition is disposed of with the direction to the respondent police to complete the investigation as early as possible and filed a final report in accordance to the outcome of the investigation. Consequently, the connected miscellaneous petition is closed.

Vv

12.04.2024

To

1. The Judicial Magistrate,
Mettupalayam
2. The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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