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CrI.O.P.No.19478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.19478 of 2024
& CRL.M.P.No.11407 of 2024

1.Kamaraj
2.Senthil
3.Palanivel
4.Rajendhiran
5.Rajendhiran
6.Rathinam
7.Arumugam
8.Arumgam
9.Subramaniyan

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Kunnam Police Station,
Perambalur District,
Crime No.347/2024.

2.Ramarasu

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNNS Act, to call for the records of the case in Crime No.347 of 2024 on the file of Kunnam Police Station, Perambalur District and quash the same.

For Petitioner : Mr.R.Sankara Subbu for



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Crl.O.P.No.19478 of 2024

For R1

M/s.KC.Panneer Selvam
: Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

On the complaint given by one Ramarasu, a case was registered by the Kunnam Police in FIR.No.347 of 2024 on 11.07.2024 under Section 379 IPC, alleging that the petitioners, 9 in number, had stolen the temple money.

2.The learned counsel for the petitioners would submit that the temple hundi was opened by the villagers for the purpose of renovating the temple. However, the complainant has given a complaint as if the petitioners have stolen the money from the temple hundi. The learned counsel further submits that the HR & CE Department has intervened the matter and the money collected in the hundi had been credited to the account of the HR & CE Department by the petitioners herein.

3.The learned Government Advocate (Crl. Side) has filed a counter, wherein it is stated that the petitioners were requested to return the money to the HR & CE Department and it is on requisition, the temple money had been handed over to the HR & CE Department



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through bank account.

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4.In view of the fact that it was not theft which would attract an offence under Section 379 IPC, but, the villagers have thought fit to open the hundi and conduct the renovation work of the temple, however, when the HR & CE Department sought the petitioners to return the money, they have promptly paid the same. Since the intention of the petitioners is not to dishonestly remove the money, the ingredient for Section 379 IPC is not made out. The conduct of the petitioners in depositing the money found in the hundi clearly establishes the said fact.

5.Hence, the FIR in Crime No.347 of 2024 on the file of Kunnam Police Station, Perambalur District stands quashed and the Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

27.08.2024

Index : Yes/No

Neutral Citation : Yes/No

Tsg

Dr.G.JAYACHANDRAN,J.



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Tsg

To

- 1.The Inspector of Police,
Kunnam Police Station,
Perambalur District,
Crime No.347/2024.
- 2.The Public Prosecutor,
High Court, Madras.

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