



CrI.O.P.(MD)No.14390 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.14390 of 2024
and
CrI.M.P.(MD)No.8951 of 2024

Asir Rajasingh

... Petitioner

Vs.

1.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(Cr.No.71 of 2010)

2.The Inspector of Police,
Idol Wing,
Tirunelveli

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to FIR in Cr.No.71 of 2010 on the file of
the first respondent police and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



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ORDER

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This criminal original petition has been filed seeking orders to quash the first information report in Cr.No.71 of 2010 pending on the file of the first respondent Police.

2.The case of the prosecution is that the petitioner and other accused were found in possession of three idols and hence, a case in Cr.No.71 of 2010 came to be registered under Sections 41(1)(d) and 102 Cr.P.C.

3.The learned counsel appearing for the petitioner would submit that the respondents have only obtained a certificate from the Curator, Government Museum, Tirunelveli District and as per the Antiquities and Art Treasures Act, 1972, the Director, Archeological Survey of India is the competent authority to decide the antiquity of the idol.

4.At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that the respondents have obtained necessary certificate from the Director, Archeological Survey of India to show that the idols in dispute are antique in nature. He would further submit that the respondents have issued summons to the



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petitioner, but, he has not appeared for the enquiry.

5.The learned counsel appearing for the petitioner would submit that the petitioner is aged about 74 years and he is ready to appear before the second respondent on receipt of written summons.

6.The learned Additional Public Prosecutor would submit that a date may be fixed by this Court for the appearance of the petitioner.

7.Recording the submissions made on either side, the petitioner is directed to appear before the second respondent on **05.10.2024** at about 10.00 am., and the second respondent is directed to complete the investigation and file the final report, within a period of one week, thereafter. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

- 1.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 2.The Inspector of Police,
Idol Wing,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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