



CrI.O.P.(MD)No.20667 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.20667 of 2022
and CrI.M.P.(MD)No.14386 of 2022

K.Kamaraj

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police, Idol Wing CID,
Kumbakonam,
Thanjavur District.
(Crime No.4 of 2017 originally registered at
Inspector of Police, Idol Wing, CID, Chennai)

2.Venkatraman

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.4 of 2017 pending on the Inspector of Police, Idol Wing CID, Kumbakonam, Thanjavur District originally registered at Inspector of Police, Idol Wing, CID, Chennai) and quash the same insofar as the petitioner is concerned.

For Petitioner : M/s.G.Thilagavathi,
Senior Counsel
for M/s.Gopinath R



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For R1

: Mr.B.Nambiselvan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.4 of 2017 pending on the Inspector of Police, Idol Wing CID, Kumbakonam, Thanjavur District originally registered at Inspector of Police, Idol Wing, CID, Chennai).

2.The case of the prosecution is that 6 idols were found missing from the temple, namely Pasupatheeshwarar Temple, Panthanallur and the Authorities of Hindu Religious and Charitable Endowment Department failed to inform about the same to the Higher Authorities and also failed to lodge a complaint. Therefore, the second respondent lodged a complaint, based on which a case in Cr.No.4 of 2017 came to be registered for the offence under Sections 457(2), 380(2) and 202 IPC altered into Sections 457(2), 380(2), 201, 202, 403, 409, 468 r/w 120(B) IPC and Section 25(1) of the Antiques & Art Treasures Act, 1972. Challenging the same, the present petition came to be filed.



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3.Learned Senior Counsel appearing for the petitioner submitted that the petitioner assumed charge on 30.08.2013. Thereafter, on 08.09.2013 and 10.11.2013 they handed over only 10 idols and five idols have not handed over. Learned Senior Counsel further submitted that this Court may permit the petitioner to produce the documents, which are relevant to disprove the prosecution case, before the Investigation Officer and also this Court may direct the Investigation Officer to complete the investigation, within a stipulated time.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that if the petitioner co-operated with the investigation and there is no material to proceed with the case as against him, the petitioner's name will be deleted from the charge sheet.

5.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioner, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an initial stage under



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Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

6.In view of the above, the first respondent Police is directed to conduct investigation in Cr.No.4 of 2017 by giving necessary opportunity to the petitioner and complete the same, within a period of three months from the date of receipt of a copy of this order. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Inspector of Police, Idol Wing CID,
Kumbakonam,
Thanjavur District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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