



Crl.O.P.No.22893 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.22893 of 2025 &
Crl.M.P.No.15635 of 2025

1. Rev.T.Vijayan
Chairman & Presbyter
CSI St.Paul Church
Avinashi Road, Tiruppur
2. John Chandra Raj
The Secretary
CSI St.Paul Church
Avinashi Road, Tiruppur
3. Thaimani Joseph
Treasurer
CSI St, Paul Church
Avinashi Road,
Tiruppur.
4. Y.D.Wilson

... Petitioners

Versus

1. A.Dilip Kumar
2. C.S.I.Coimbatore Diocese Council
rep. By its Bishop Rt.Rev. Timothy Ravinder
256, Race Course Road,
Coimbatore – 641 018
3. Rt.Rev. Timothy Ravinder
4. Rev.G.Prince Calvin
5. Samuel David Mangaldoss



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6. Rev.Wilson Kumar

7. Rev.A.Mr.Wilson Premkumar

8. S.Jeba Ruban Johnson (Building Convener)

9. Perciya Lidiya

10. Frankilin Parimalraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to set aside the order dated 22.07.2025 made in CrI.M.P.No.1390 of 2025 in C.C.No.179 of 2018 on the file of the Judicial Magistrate Court No.I, Tiruppur by appreciating the facts and circumstances.

For Petitioner : Mr.T.Balaji

ORDER

Challenging the impugned order dismissing the application filed under Section 91 of Cr.P.C., to produce the fact finding report of the respondent no.2, the present petition is filed.

2. Heard the learned counsel appearing for the petitioner and perused the documents placed on record carefully.



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3. The defacto complainant filed a complaint under Section 156(3) of Cr.P.C., seeking a direction to the investigation officer to investigate the matter and to file a final report. The allegation contained in the complaint is regard to the alleged misappropriation of funds with church properties and various allegations have been made as if the members of the church, who has been shown as accused committed various offences by misappropriating the funds, therefore, sought to register the FIR under Section 156(3) of Cr.P.C., At this stage, the accused has filed application to summon the so called fact finding report in respect of the affairs of the church. The trial court has rejected the same, challenging the same, the present petition.

4. At the outset, this Court is of the view that when an application has been filed under Section 156 of Cr.P.C., the power of the Magistrate is to direct the investigation and not beyond that. The court cannot go into the other aspects with regards to the so called fact finding report at that stage. Further, those reports are also not relevant at all.



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5. First of all, the concerned court has to see whether the complaint requires proper investigation and any cognizable offence is made out, only on applying mind, such direction for investigation is normally given by the concerned court. At this stage, a roving enquiry to prove certain facts does not arise.

6. Hence I do not find any merits in the petition. Let the trial court decide whether the complaint has to be forwarded to the investigation officer for further investigation. Accordingly, the present petition is dismissed. Consequently, connected miscellaneous petition is closed.

19.08.2025

Index: Yes/No

Internet: Yes/No

Speaking Order / Non Speaking order

ssd



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N.SATHISH KUMAR, J.

ssd

To

1. The Judicial Magistrate Court No.I, Tiruppur
2. The Public Prosecutor,
High Court, Madras.

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