



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 13166 of 2022

and

Crl.M.P.Nos.7078 &13234 of 2022

S.Karthik Gopinath
S/o.G.Sundaresan,
Karthik Nivas,
No.37, Sabh Nagar,
First Street, Third Cross,
Muthapudupet, IAF Avadi, Chennai 600055.

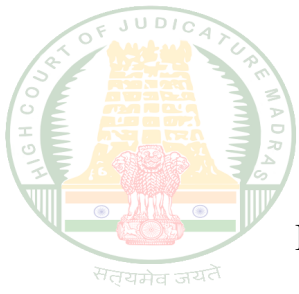
..Petitioner(s)

Vs

1. State Rep By
The Inspector Of Police,
City Crime Branch,
Commissionerate Of Police, Avadi,
Avadi, Chennai 600054.
2. Aravindan
Executive Officer,
Arulmigu Madhurakali Amman Thirukkoil,
Siruvachur,
Perambalur Taluk,
Perambalur District.

..Respondent(s)

Petition filed under Section 482 of Cr.P.C., praying to call for records pertaining to the FIR in Crime No.4 of 2022, on the file of Inspector of Police, City Crime Branch, Avadi and quash the same.



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For Petitioner(s):

Mr. Abhinav Parthasarathy

For Respondent(s):

Mr.R.Rajasekaran

Counsel for Government of Tamil Nadu
(Crl. Side) for R1

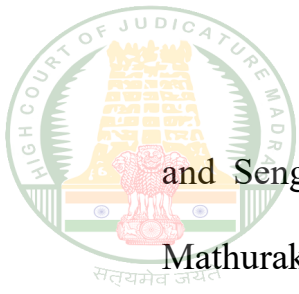
Mr.S.Surya, Government Advocate for R2

ORDER

The prayer in the Criminal Original Petition is to quash the FIR in Cr. No.4 of 2022. The same was registered for the alleged offences under Sections 406, 420 of IPC and 66D of the Information Technology Act, 2000.

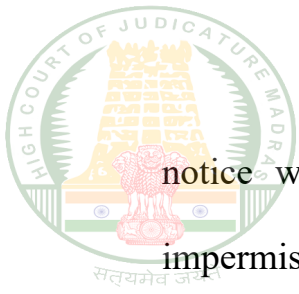
2. The gist of allegations against the petitioner is that the petitioner made messages in various social media platforms and other digital resources as if he is taking up the thirupani work of restoration of the idols belonging to the Arulmigu Mathurakaaliamman Thirukoil, Siruvachur and monies were collected by him without the authorization of the Hindu Religious & Charitable Endowments [for brevity hereinafter referred to as “HR & CE] authorities or the temple and it is further alleged that he has misappropriated the same and hence, the case.

3. The brief details of the case is that on 06.10.2021, it is alleged that one Nathan had damaged the idols of Arulmigu Periyasamy Chelliamman Vagayra



and Sengamalayan Thirukoil at Siruvachur which are uba koil of Arulmigu Mathurakaaliamman Temple and a case in Cr.No.1371 of 2021 was registered.

Thereafter, the petitioner on 10.10.2021 uploaded Youtube Video with reference to the same and sought for crowdfunding. The crowdfunding was undertaken through MILAAP, a web portal meant for crowdfunding. It is stated that money will be held by the said web portal, as if it is an escrow account only for the particular purpose and it would be directly released for the said purpose. A total sum of Rs.33,28,924/- seems to have been collected and finally on 14.10.2021, the petitioner has given Stop instructions to the said web portal. A quotation was also obtained from M/s.Ahm Agasthiya Arts and Crafts on 15.12.2021. Thereafter only, the petitioner sent a letter to the HR & CE Department seeking permission for renovation of the temple idols with the help of the personal funds on 29.12.2021. The then Executive Officer had also issued a letter of consent on the same day for getting sanction from the Commissioner, HR & CE Department. On 14.03.2022, a quotation was also obtained from Gandhimathi Sirpakalaikoodam for constructing seven idols of the said temples. On 15.04.2022, it is stated that the petitioner met the temple authorities and discussed the plan and to restore the temple. On 25.04.2022, a new Executive Officer took charge of the temple. It is further seen that on 30.04.2022, a sum of Rs.9001/- was paid as an advance to Sthapathi. On 02.05.2022, a sum of Rs.1,00,000/- was withdrawn from the account and sent to Ramanathan Govindhasamy claiming to be Sthapathi. On 06.05.2022, a legal



notice was issued to the petitioner by the Executive Officer that it was impermissible for him to indulged in such collection of money and spending the money on his own whims and wishes. A reply notice was also issued by the petitioner stating that the funds were collected only for a particular purpose and was not received by him and it will be spent only for the said purpose. Under the said circumstances, the complaint was lodged on 27.05.2022. Based on which, the case was registered. The petitioner was also initially arrested and enlarged on bail.

4. Subsequently, when the matter came up for hearing, the primary contention of the learned counsel for the petitioner is that there was no intention of misappropriation. The only allegation that can be made against the petitioner is that he did not get the prior approval of the authorities. The mere non obtaining prior approval *per se* is not a criminal offence in order to make an offence under Section 406 IPC. The factum of criminal misappropriation has to be proved and there is no dishonest intention and as such, the offence under Section 420 IPC is also not made out. When the other offences are not made out, the offence under Section 66D of IT Act only putting notice on electronic channel, cannot sustain as a stand alone offence.

5. Per contra, the learned Government Advocate (Crl. Side) by relying upon the counter affidavit filed would submit that when the funds have been



received by way of crowd sourcing in MILAAP which is a private App without the permission from the HR & CE authorities, the case has been registered and taken up for investigation. The question whether there was dishonest intention or not, cannot be determined merely on the *ipse dixit* of the petitioner. When the said submissions were made, when this Court enquired to both sides, whether any amount has been misappropriated, it can be seen that the entire amount was originally available in the MILAAP web portal and subsequently, the money has been withdrawn and now lying to the credit of the present Cr.No.4 of 2022 on the file of the learned Judicial Magistrate, Thiruvottiyur and the amount in turn has been invested in fixed deposit bearing No.13977210.

6. The learned Government Advocate (Crl. Side) or the learned counsel appearing on behalf of the temple, cannot point out that any money has been misappropriated or spent otherwise by the petitioner. The only money that is spent was also given to the Sthapathi.

7. In view thereof, I find no criminal intention of misappropriating the amount by the petitioner. Similarly, there is no allegation of wrongful gain or wrongful loss inasmuch as the amount is duly and faithfully handed over to the Court account. From the inception and upto the end, there is no any dishonest intention. In view thereof, the offences against the petitioner is also not made out. The petitioner and the other parties are at consensus that the entire amount



can now be handed over to the temple for its purpose of carrying out the renovation work of the idols or the other works of the temple. In view thereof, the Criminal Original Petition is ordered on the following terms:

i)The case in Cr.No.4 of 2022 on the file of the first respondent as against the petitioner shall stands quashed.

ii)The entire sum that is lying to the credit of Cr.No.4 of 2022 on the file of the learned Judicial Magistrate, Thiruvottiyur which is invested in the fixed deposit along with accrued interest if any, shall be paid out to Arulmigu Mathurakaaliamman Thirukoil, Siruvachur.

iii)The Executive Officer will be entitled to file a formal application before the trial Court and the amount can be directly transferred to the temple account. It will be open for the temple to utilise the amount for its purposes including the renovation of the idols or for any other renovation purposes.

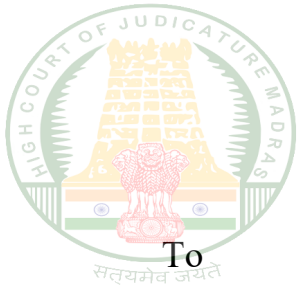
Thus, the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is also closed.

8. In view of the case itself now been quashed, the bank accounts of the petitioner which have been frozen are ordered to be defreezed.

05-08-2026

Neutral Citation: Yes/No

DP



To

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1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector Of Police, City Crime Branch,
Commissionerate Of Police, Avadi,
Avadi, Chennai 600054.
3. The Executive Officer, Arulmigu Madhurakali
Amman Thirukkoil, Siruvachur,
Perambalur Tk, Perambalur District.



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CRL OP No. 13166 of 2



D.BHARATHA CHAKRAVARTHY, J.

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