

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.79 of 2017

Elancheran
S/o.Muniappa

...Petitioner

Vs.

1.Packirisamy
S/o.Pichaikannu

2.Ponni
W/o.Raman

3.Rasathi
W/o.Packirisamy

4.Raman
S/o.Packirisamy

5.Balakrishnan
S/o.Packirisamy

6.Arulmizhi
W/o.Balakrishnan

7.Kannadasan

8.Singaravel

9.Arulpriya

10.Manokar

...Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Thiruthuraipoondi, passed in Crl.M.P.No.7985 of 2016 on 08.11.2016.

For Petitioner : Mr.P.Ramraj

O R D E R

This revision arises against the order of learned Judicial Magistrate, Thiruthuraipoondi, passed in Crl.M.P.No.7985 of 2016 on 08.11.2016.

2. Complaining of acts of demolition/damage to the only pathway to his house on 25.05.2015 at about 09.00 a.m. and that the official/police respondents colluded with the other respondents in such wrongful action, petitioner preferred a complaint seeking a direction u/s.156(3) Cr.P.C. Court below, under the impugned order, has dismissed such petition and hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the petition, Court below has taken note of the position that police protection was afforded to second respondent in keeping with the orders of this Court passed in Crl.O.P.No.3570 of 2015 dated 06.03.2015 and as the action of police respondents were prima facie seen to be in the line of duty, sanction u/s.197 Cr.P.C. was required. Petitioner had earlier moved Crl.O.P.No.16143 of 2015 seeking a direction to Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District, to register a case on his complaint dated 25.05.2015. Under orders dated 04.08.2015, this Court had observed as follows:

"5. Since, the police officials had only acted in accordance with the directions in Crl.O.P.No.3570 of 2015 dated 06.03.2015, no positive direction as prayed for by the petitioner can be granted and accordingly, this Criminal Original Petition is dismissed."

5. Challenging such order, petitioner had moved the Supreme Court. While dismissing the petition under orders dated 02.05.2016, the Supreme Court had observed as follows:

"While not inclined to interfere with the impugned order, we grant liberty to the petitioner to file a complaint under Section 200 of the Code of Criminal Procedure, if so advised."

6. In the above scenario where this Court has already expressed the view that the action of the police respondents was pursuant to orders of this Court in Crl.O.P.No.3570 of 2015 dated 06.03.2015, it is for the petitioner to establish that in the course of performing their duties, the police respondents indulged in wrongful acts. When the action of police respondents primarily is seen to be done in the course of performing their

duties, sanction u/s.197 Cr.P.C does come into play. Finding the Court below right in informing the need for compliance therewith, the Criminal Revision Case shall stand dismissed with liberty to petitioner to work out his remedy in accordance with law.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

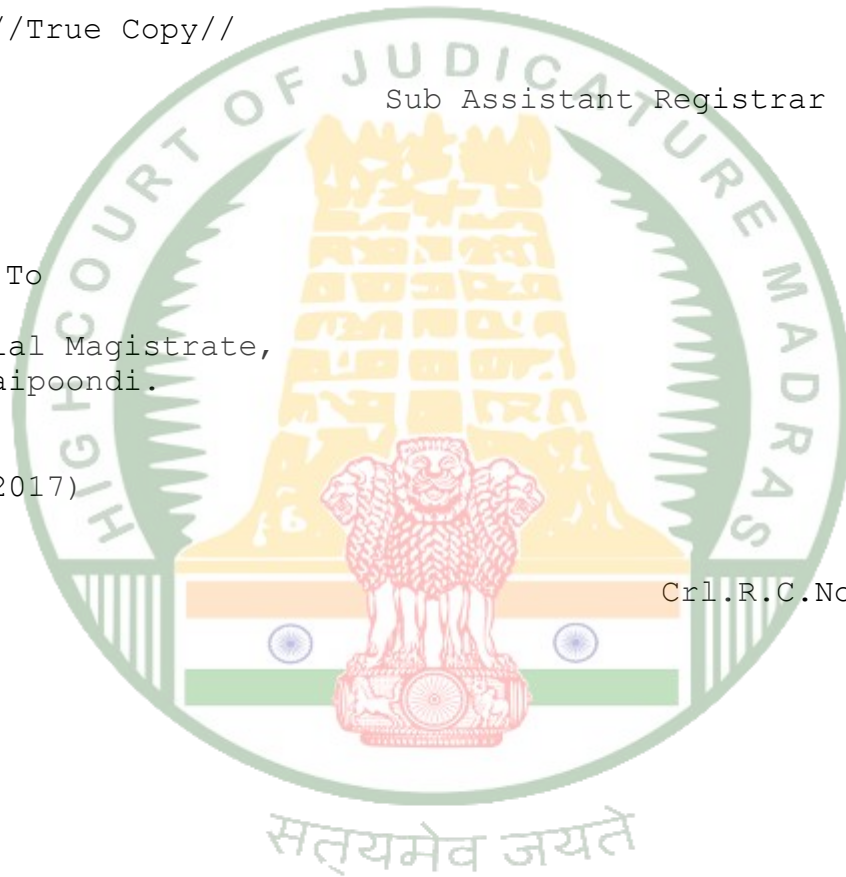
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To

The Judicial Magistrate,
Thiruthuraipoondi.

AD(CO)
RS(24/02/2017)

Crl.R.C.No.79 of 2017



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