

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.11.2018

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN**Cr1.R.C.[MD]No.533 of 2018**

Susanna Daisy Rani

... Petitioner/Appellant

Vs.

1) Ms.Vincent Anbukkarasi
Sub Inspector of Police,
Puliyarai Police Station,
Tirunelveli District.

2) Vijaya Vaikundaraja
Police Constable,
Puliyarai Police Station,
Tirunelveli District.

... Respondents/ Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to revise the docket order dated 15.11.2017 in Cr1.M.P.No.2376 of 2017 passed by the learned Judicial Magistrate Court, Sengottai.

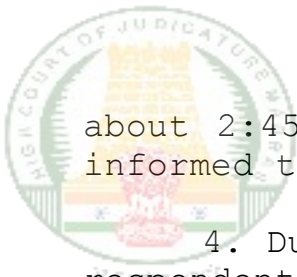
For Petitioner	: Mr.A.K.Azagarsami
For Respondents	: Mrs.Jessi JeevaPriya

O R D E R

This Criminal Revision Case has been filed against the docket order dated 15.11.2017 in Cr1.M.P.No.2376 of 2017 passed by the learned Judicial Magistrate Court, Sengottai.

2.Heard the learned counsel appearing for the revision petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

3.The case of the prosecution is that the petitioner is working as a Nutrition Organiser at Puliyarai Government Higher Secondary School. The relatives of the petitioner (viz.,) one Arul Mary and one Kennedy are residing in the same area and it is stated that there was some land dispute between them for several years. On 30.01.2017, Kenedy broke into the house of Arul mary and damaged the E.B.Meter Box and disconnected the electricity connection. The petitioner was a witness to the said occurrence and therefore informed one Arul Mary. On 01.02.2017, the first respondent called the petitioner from Puliyarai Police Station at



about 2:45 p.m. and enquired about the above said occurrence and informed that it was a civil dispute.

4. During the enquiry, the petitioner has requested the first respondent not to be unilateral while conducting the enquiry. After the said statement, the first respondent has abused the petitioner using filthy language and also has slapped and assaulted the petitioner over her shoulders and also pushed her down in the ground and the second respondent also used filthy language against the petitioner. The respondents brutally attacked the petitioner again with lathi, due to which she got injured in her left hand.

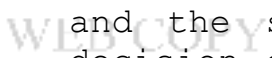
5. According to the learned counsel for the petitioner, information was sent to the petitioner's relatives and they arrived at the Police Station and questioned about the injustice made to the petitioner. The respondent police, in order to save her stance, on 01.02.2017 lodged a false complaint under Crime No.29 of 2017 under Sections 294(b) 353, 506(i) IPC and in connection with the same, the petitioner was arrested and remanded to judicial custody before the Judicial Magistrate Court, Sengottai.

6. The petitioner also submitted that even after coming out from the Court, she was brutally threatened by the respondents herein. The petitioner was taken to Government Hospital, Tirunelveli for the injury in her left hand and X-ray has been taken and the petitioner was treated as inpatient in Prison hospital. On 04.02.2017, the petitioner has been granted bail by the Judicial Magistrate, Sengottai.

7. Due to the above occurrence, the petitioner lodged a private complaint under 190(1) and 200 Cr.P.C before the Judicial Magistrate Court, Sengottai to register a FIR under Sections 182, 294(b) 323, 342, 357 and 506(ii) of IPC against the respondent. Since the docket order has been passed for want of sanction under Section 197 Cr.P.C., the petitioner has approached this Court by way of this revision petition.

8. Heard Mr.AK.Azagarsami, learned counsel for the petitioner and Mrs.Jessi JeevaPriya, learned counsel for the respondents.

9. Mr.AK.Azaharsami, learned counsel for the petitioner placed reliance upon the judgment rendered by this Court in **Muthusamy Gounder vs., C.P.Singharam**, reported in **1979 (1) MLJ Cr., 705**, wherein it has been held that the expression "Sub-ordinate Police Officer" shall include all police officers of and below the rank of an Inspector and therefore, the Inspector General, the Deputy Inspector General or District Superintendent of Police may dismiss or reduce to a lower post or time scale or to a lower stage in time scale, any officer of the Sub-ordinate



11. This Court on perusal of the records and upon hearing the arguments made by the learned counsel on either side, this Court is of the view that the order passed by the learned Judicial Magistrate, Sengottai is liable to be set aside and accordingly it is set aside and the learned Magistrate is directed to take the complaint on file, if it is in order and proceed further in accordance with law. Therefore, the Criminal Revision petition is Allowed.

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

- 1.The learned Judicial Magistrate,
Sengottai.
- 2.The Judicial Magistrate,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.P.JESSI JEEVA PRIYA,ADVOCATE, SR.NO.98010
+1CC TO M/S.A.K.ALAGAR SAMI,ADVOCATE, SR.NO.98547

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