



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:20.11.2019
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.24107 of 2018

Meenakshi

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep., by its Secretary to Government,
Home Department,
Fort St.George, Secretariat,
Chennai-9.
- 2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-4.
- 3.The Additional Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-4.
- 4.The Inspector General of Police,
South Zone, Madurai.
- 5.The Superintendent of Police,
Dindigul, Dindigul District.
- 6.The Deputy Superintendent of Police,
Dindigul, Dindigul District.
- 7.Jamine Mumtaj.
The Inspector of Police,
All Women Police Station, Dindigul.
- 8.Shanthi
The Sub Inspector of Police,
All Women Police Station,
Dindigul.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 to accord appropriate prior sanction to prosecute the respondents 7 and 8 herein as stipulated under Section 197 the code of Criminal Procedure 1973 by considering petitioner's representation dated 25.10.2018 on the basis of the petitioner's complaint dated 24.10.2018.

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioner

: Mr.S.Muthukumar



For R1 to R6 : Mr.R.Anandharaj
Additional Public Prosecutor
For R7 : No Appearance

WEB COPY

ORDER

This petition has been filed to direct the respondents 1 to 6 to accord appropriate prior sanction to prosecute the respondents 7 and 8 herein as stipulated under Section 197 the code of Criminal Procedure 1973. In this regard, the petitioner sent a complaint on 24.10.2018 and the same was enquired in detailed by the sixth respondent. In which, the petitioner also participated. Thereafter, by an order dated 18.12.2018, the request made by the petitioner was rejected for the reason that there is no appropriate case is made out as against the respondents 7 & 8 to accord sanction.

2. The learned counsel for the petitioner would submit that the respondents 7 & 8 are Inspector of Police and Sub-Inspector of Police and as such, the third respondent conducted enquiry and he has to accord sanction to prosecute respondents 7 and 8.

3. Per contra, the learned Additional Public Prosecutor would submit that there is no need to get sanction to prosecute against the respondents 7 and 8. It is relevant to extract the provision under Section 197 (1) Cr.P.C as follows:-

" (1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction- "

4. Accordingly, the Deputy General of Police is the appointing authority of respondents 7 and 8. Therefore, any sanction does not require, to prosecute against them. Therefore, the petitioner can very well lodge a complaint as against the respondents 7 and 8 without according any sanction.

5. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



dss
To

1.The Secretary to Government,
Home Department, Fort St.George, Secretariat,
Chennai-9.

2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-4.

3.The Additional Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai-4.

4.The Inspector General of Police,
South Zone, Madurai.

5.The Superintendent of Police,
Dindigul, Dindigul District.

6.The Deputy Superintendent of Police,
Dindigul, Dindigul District.

+1 CC to MR.S.MUTHUKUMAR, Advocate (SR-100641[F] dated 22/11/2019
)

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