



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.2281 OF 2019

AND

CRL.M.P.NOS.1506 & 1507 OF 2019

1.Balamurugan
2.Ragunath
3.Raju
4.Ramalingam

...Petitioners / Accused 1 to 4

Vs.

A.Sathiyanarayanan

...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in C.C.No.02 of 2016 on the file of the learned Chief Judicial Magistrate, Puducherry and quash the same in so far as the Petitioners are concerned.

For Petitioners	:	Mr.M.R.Thangavel
For Respondents	:	Mr.P.Raj Sharath for Mr.V.Balamurugane Public Prosecutor (Puducherry) for Government
	:	No Appearance for R-2

O R D E R

This Criminal Original Petition had been filed to quash the case in C.C.No.02 of 2016 on the file of the learned Chief Judicial Magistrate, Puducherry.

2. learned counsel for the Petitioners submitted that the Petitioners are serving as Police Officials in Pudhucherry. As per the complaint received from the Tahsildar, Oulgaret, the Respondent in this petition had prevented the Tahsildar from exercising his official function. Therefore, the Tahsildar, Oulgaret preferred a complaint, based on which, the FIR was registered by the Petitioners herein. Based on the investigation by the Petitioners, the case had been filed as C.C.No.02 of 2016 on the file of the learned Judicial Magistrate, Pudhucherry. Subsequently, the Respondent herein had preferred a private complaint before the Court of the



learned Chief Judicial Magistrate for alleged Human Rights violation against the Police Officials by invoking the jurisdiction of the Human Rights Court (Chief Judicial Magistrate), Pudhucherry. Now the case had been numbered as C.C and summons were served on the Petitioners. Therefore, the Petitioners are before this Court seeking to quash the private complaint.

3. In support of the contention of the learned counsel for the Petitioners relied on the reported ruling in CDJ 2018 MHC 7572 in the case of Kannan Vs. S.M.Noor Mohamed wherein the similar private complaint against the serving officials was quashed by this Court on the ground that serving Officials are protected for their actions in their official capacity from being pulled up before the Court for civil or criminal action. Prior sanction ought to have been obtained before taking cognizance of the private complaint. On that ground the learned counsel for the Petitioner seeks to quash the private complaint in C.C.No.02 of 2016.

4. The learned Public Prosecutor (Pudhucherry) submitted that based on the FIR in Cr.No.253 of 2009 on the file of the D.Nagar Police Station, investigation has been completed and the final report laid before the learned Judicial Magistrate concerned and it was taken on file in S.T.C.No.255 of 2010. In the course of trial, it was referred to Human Rights Committee of Pudhucherry. Therefore, the matter was referred to Human Rights Committee. Based on the complaint by P.W-1 in S.T.C.No.255 of 2010, the Human Rights Committee had conducted the enquiry and passed orders. Based on the Order of Human Rights Committee, the Government of Pudhucherry had suo-moto issued Government Order in G.O.Ms.No.4/2013 dated 15.02.2013. Based on the Government Order, the case in FIR in Cr.No.253 of 2009 in STC.No.255 of 2010 pending on the file of the learned Judicial Magistrate was withdrawn.

5. In the light of the above submission, nothing survives in this Petition. Therefore, the submission of the learned counsel for the Petitioner regarding quashing of the FIR is to be accepted.

Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

The Chief Judicial Magistrate,
Puducherry.

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+1cc to Mr.C.Anbu, Advocate Sr.No.25451

CRL.O.P.No.2281 of 2019

GSM(CO)

RVM(30/05/2022)