



WEB COPY

Crl.RC.No.1332 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1332 of 2022

Vetrivel Chezhiyan

... Petitioner

Vs.

1. Srinivasan

S/o. Not known

Inspector of Police

Madhuravoyal Police Station

Chennai

2. Chelladurai

S/o. Not known

Sub-Inspector of Police

Madhuravoyal Police Station

Chennai

3. Bharath

S/o. Not known

Constable

Madhuravoyal Police Station

Chennai

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 24.01.2016 in M.P.No. Not given of 2016 passed by the learned Judicial Magistrate-II, Poonamallee and direct the learned Magistrate-II, Poonamallee to proceed the complaint further in accordance with.



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For Petitioner : Mr.M.Anandaraj
For Respondents : Mr.C.Santhosh Kumar for R1 and R2
No Appearance for R3

ORDER

This Criminal Revision Case has been filed seeking to set aside the order dated 24.01.2016 in M.P.No. Not given of 2016 passed by the learned Judicial Magistrate-II, Poonamallee, and to direct the learned Judicial Magistrate-II, Poonamallee to proceed the complaint further in accordance with law.

2. The case of the petitioner is that the petitioner had filed a private complaint under Section 200 Cr.P.C. against the respondents who are the Police Officials in the Madhuravoyal Police Station, Chennai, before the Magistrate for allegedly beating him for conducting awareness programme regarding closing of TASMAC shop at Madhuravoyal. The learned the Magistrate simply rejected the complaint on the ground that all the respondents are government servants and as per Section 197 Cr.P.C., complaint cannot be filed against them without obtaining sanction of prosecution from the concerned authority. Challenging the same, the present



revision has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Counsel for the respondents 1 and 2 and perused the materials on record.

4. It is seen that the allegation against the respondents is not for discharging of official duty. Beating a person while confining will not form part of the official duty. Even assuming, sanction for prosecution can be obtained even after taking the complaint on file, if necessary at any stage.

5. Therefore, under these circumstances, this Criminal Revision Case is allowed. The order of the learned Judicial Magistrate-II, Poonamallee, dated 24.01.2016 is set aside.

6. The learned Judicial Magistrate-II, Poonamallee, is directed to take the complaint on file if it is otherwise in order and proceed in accordance with law.

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P.VELMURUGAN,J.

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To

The Judicial Magistrate-II,
Poonamallee

Criminal Revision Case No.1332 of 2022

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