



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
CRL.O.P.[MD].No.756 of 2020
and CRL.M.P.[MD]Nos.318 & 319 of 2020

Ranjith ... Petitioner / Accused
Vs.
Sathish ... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in C.C.No.512 of 2019 pending on the file of the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District and quash the same as against the petitioner.

For Petitioner : Mr.V.Moushied
for Mr.R.Anand
For Respondent : No Appearance

ORDER

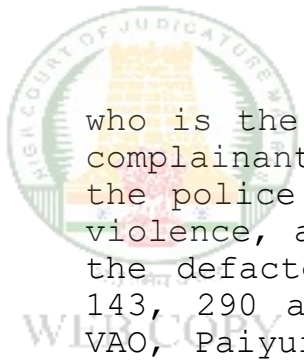
This petition has been filed to quash the private complaint filed against the petitioner in C.C.No.512 of 2019 on the file of the learned Judicial Magistrate No.1, Sivagangai, Sivagangai District.

2. The allegation against the petitioner is that he threatened all the witnesses and the defacto complainant and caused injuries.

3. The learned counsel appearing for the petitioner would submit that the private complaint is nothing but abuse of process of law. The petitioner being the Sub-Inspector of Police, while discharging his official duty, proceeded to arrest the accused persons, who participated in the mob violence under the pretext of conducting Vinayakar Chaturthi Festival. In this regard, a case has been registered in Crime No.463 of 2019 for the offences under Sections 143, 290 and 341 IPC against the defacto complainant and others. As a counter blast, the private complaint has been filed as against the petitioner. Hence, the petitioner has come forward with the present petition.

4. Notice has been served on the respondent. Despite service of notice, none appeared for the respondent.

5. The very complaint itself indicates that the petitioner,
<https://hcservices.ecourts.gov.in/hcservices/>



who is the Sub-Inspector of Police allegedly threatened the defacto complainant and others and beat them and also forcibly took them to the police van. It is relevant to note that in respect of the mob violence, a case has been registered in Crime No.463 of 2019 against the defacto complainant and other for the offences under Sections 143, 290 and 341 IPC, on the basis of the complaint given by one VAO, Paiyur Pillaivayal Group, Sivagangai. Based on that FIR, the Sub-Inspector of Police viz., the petitioner herein has proceeded to take action against the accused named in the FIR, which was prevented by mob. As a result, the private complaint has been filed against the petitioner.

6. Considering the facts and circumstances of the case, this Court is of the view that without any sanction being obtained, the public servant cannot be prosecuted, when he was discharging his official duty took proper action against the defacto complainant. Aggrieved the said action, the private complaint has been filed against the petitioner. The allegation in the private complaint shows that it is nothing but it is clear case of abuse of process of law and filed only to thwart the prosecution against the defacto complainant and others.

7. In such view of the matter, the final report filed against the petitioner in C.C.No.512 of 2019, on the file of the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

VSM

To

The Judicial Magistrate No.I,
Sivagangai, Sivagangai District.

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