



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD) No.7296 of 2021

and

W.M.P (MD) No.5558 of 2021

WEB COPY

Eswaran

... Petitioner

Vs

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.Meenakshinathan

3.Sivalingam

4.Pandiarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned communication, which was sent by the first respondent to the petitioner in Na.Ka.No.C1/39396/2020, dated 07.01.2021 and quash the same as illegal and to direct the first respondent to issue sanction under Section 197 of Cr.P.C to prosecute the respondents 2 to 4 in respect of the criminal case, which is pending in Cr.M.P.No.325 of 2020 on the file of the learned Judicial Magistrate, Vilathikulam.

For Petitioner : Mr.P.Santhana Krishnan

For R - 1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed challenging the communication of the first respondent, dated 07.01.2021 in Na.Ka.No.C1/39396/2020, thereby the petitioner was informed that after passing the order in Cr.M.P.No.325 of 2020 on the file of the learned Judicial Magistrate, Vilathikulam, action will be taken as against the erred police officials.

2.The petitioner lodged a complaint in Cr.M.P.No.325 of 2020 on the file of the learned Judicial Magistrate, Vilathikulam, as against the respondents 2 to 4 herein and other two persons for the offences under Sections 34, 102(b), 107, 420, 467, 196 and 200 of I.P.C and the same is pending for enquiry. While pending the private



complaint, the petitioner submitted representation before the first respondent seeking sanction to initiate proceedings as against the respondents 2 to 4 herein. On receipt of the same, the first respondent by communication, dated 07.01.2021 informed the petitioner that after passing order from the learned Judicial Magistrate, Vilathikulam in Cr.M.P.No.325 of 2020, the request of the petitioner may be considered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

4.Admittedly, the complaint filed by the petitioner is pending in Cr.M.P.No.325 of 2020 on the file of the learned Judicial Magistrate, Vilathikulam. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. Accordingly, the Writ Petition is devoid of merits and the same is dismissed. However, the learned Judicial Magistrate, Vilathikulam is directed to pass orders in Cr.M.P.No.325 of 2020 so as to take cognizance or dismiss the complaint on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to pass orders on the representation submitted by the petitioner seeking sanction to prosecute the respondents 2 to 4 herein subject to the order passed in Cr.M.P.No.325 of 2020 by the learned Judicial Magistrate, Vilathikulam. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judicial Magistrate,
Vilathikulam.



2.The Superintendent of Police,
O/o. The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**W.P (MD) No. 7296 of 2021
08.04.2022**

RK (25/04/2022) 3P 4C