



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.R.C. (MD)No.496 of 2021

Tamilselvi

... Petitioner

Vs.

Sangeetha,
SI of Police,
Karambakudi Police Station,
(Last worked place)
Pudukottai District.

... Respondent

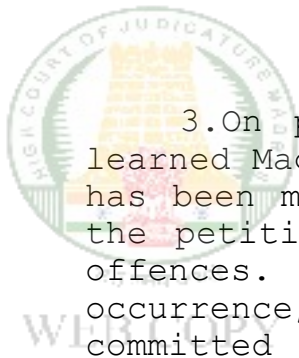
Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the entire records connected with the impugned order passed in Cr.M.P.No.1574 of 2021 dated 09.07.2021 on the file of the Hon'ble District Munsif cum Judicial Magistrate Court, Alangudi and set aside the same and direct the District Munsif cum Judicial Magistrate Court, Alangudi to proceed the said case in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondent : Mr.C.Arulvadiivel @ Sekar

ORDER

This Criminal Revision Petition has been filed to set aside the impugned order passed in Cr.M.P.No.1574 of 2021 dated 09.07.2021 on the file of the District Munsif cum Judicial Magistrate Court, Alangudi and to direct the District Munsif cum Judicial Magistrate Court, Alangudi to proceed the said case in accordance with law.

2.The petitioner lodged complaint as against the respondent alleging that when the petitioner and her husband went to the respondent police, she was working as a Sub Inspector of Police to lodge complaint against their neighbour and the same has been registered in Crime No.123 of 2019 for the offences under Sections 294(b), 232, 506(1) and 379 of IPC. However, the respondent forced the petitioner to sit in the police station. Though the petitioner requested to go to her home to feed her six months aged child, the respondent refused to allow the petitioner and also attacked her by slapping across the cheek and made her sit in the police station and thereafter, on the false complaint received from her neighbour, the respondent registered FIR in Crime No.124 of 2019 for the offences under Sections 294(b), 355, 323 of IPC and Section 4 of Prohibition of Harassment of Women Act, 1998. However, the learned Magistrate dismissed the complaint for the reason that the petitioner failed to get sanction as required under Section 197(1) of Cr.P.C. before filing the complaint as against the respondents herein.



3.On perusal of the impugned order, it is revealed that the learned Magistrate found that the *prima facie* against the respondent has been made out and the respondent acted against the interest of the petitioner for the purpose of saving the accused from heinous offences. Though the respondent was in duty at the time of occurrence, she committed offence by misusing her power and committed offence. Therefore, it would not amount to the act committed while discharging her official duty.

4.In view of the above, order passed by the learned District Munsif cum Judicial Magistrate Court, Alangudi is set aside and remanded back to the Court below for fresh consideration.

5.The learned District Munsif cum Judicial Magistrate Court, Alangudi is directed to dispose of the Cr.M.PNo.1574 of 2021, after giving opportunity of hearing to the petitioner and respondent within a period of eight weeks from the date of receipt of a copy of the order.

6.With the above direction, this criminal revision case is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

The District Munsif cum Judicial
Magistrate Court, Alangudi, Pudukottai
District.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.



+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-6943[F]
dated 18/02/2022)

CrI.R.C. (MD) No.496 of 2021
17.02.2022

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