



WEB COPY

Crl.OP No.22245 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.22245 of 2023

And

Crl.MP Nos.15474 and 15475 of 2023

1.Rajan

2.Kamalam

... Petitioners/Accused 1 and 2

Vs.

The State Represented by
Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
(Crime No.817 of 2020)

... R-1/Complainant

Panneerselvam

... R-2/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the proceedings in CC No.241 of 2022 on the file of the Judicial Magistrate, Sendamangalam.



For Petitioners : Mr.A.Thiyagarajan

For Respondent-1 : Mr.Mr.S.Udaya Kumar,
Government Advocate
(Criminal Side).

ORDER

The defacto complainant and the first petitioner/A-1 are of blood brothers. In respect of the property left behind by their father, there is a dispute between them.

2. Alleging that the petitioners are circulating statement derogatory about the second respondent/defacto complainant, a complaint has been given by the second respondent and the police has registered a case in Crime No.817 of 2020 on 24.08.2020.

3. On completion of investigation, Final Report filed on 02.08.2021 and the same has been taken on file by the learned Judicial Magistrate, Sendamangalam in CC No.241 of 2022.

4. The learned counsel appearing on behalf of the petitioners submitted that before taking cognisance of any offence under Section 505



(1), previous sanction of the State Government is required, wherein in this case, no such sanction has been obtained.

WEB COPY

5. The learned Government Advocate (Criminal Side) appearing on behalf of the first respondent was directed to verify as to whether sanction from the State Government was obtained before taking cognisance of the offence as per Section 196 of the Code of Criminal Procedure.

6. The learned Government Advocate (Criminal Side), appearing on behalf of the first respondent, after verifying the records submitted that sanction from the State Government was not obtained. On the short point that the offence has been taken cognisance without prior sanction of the State Government as required under Section 196 (1) of the Code of Criminal Procedure, petition to be allowed.

7. In the light of the above facts, the proceedings in CC No.241 of 2022 pending on the file of the learned Judicial Magistrate, Sendamangalam stands quashed.



8. Accordingly, the present Criminal Original Petition stands allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

03-11-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To



- 1.The Judicial Magistrate,
Sendamangalam.
- 2.The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY

Crl.OP No.22245 of 2



DR.G.JAYACHANDRAN, J.

Svn

Crl. OP 22245 of 2023

03-11-2023