



Crl.R.C.No.122 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.122 of 2024

Ganesh Kumar
The Deputy Superintendent of Police,
Tiruvallur District.

... Petitioner

Vs.

1.A.Velmurugan

2.The Superintendent of Police,
Tiruvallur District.

3.The Inspector of Police,
C-1 Uthukkottai Police Station
Uthukkottai-602 026.

... Respondents

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of the code of Criminal Procedure, to call for the entire records pertaining to the order passed by the learned Principal District and Sessions Judge, Tiruvallur, in Crl.M.P.No.6093 of 2023 dated 22.12.2023 and set aside the same by allowing the criminal revision petition.



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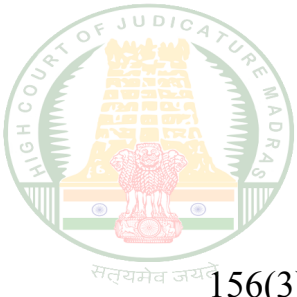
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For Petitioner : Mr.E.V.Chandra
For Respondents : Mr.Shanmuga Velayutham
Senior Counsel for
Mr.A.Kalaiselvan for R1
Mr.A.Gopinath,
Government Advocate (Crl.side)

ORDER

The Criminal Revision Case is filed against the impugned order dated 22.12.2023 passed in Crl.M.P.No.6093 of 2023, by the learned Principal District and Sessions Judge, Tiruvallur.

2. The learned counsel appearing for the petitioner submits that the petitioner is working as the Deputy Superintendent of Police and he received complaints from the aggrieved persons against the first respondent and other persons and thereby, the petitioner registered the criminal cases against the first respondent and other persons and he did not know as to whether the first respondent is a practicing advocate. Whenever a complaint is received from the aggrieved person, it is the duty cast upon the Police to register the complaint. Aggrieved by the complaint registered against the first respondent, the first respondent filed a petition under Section



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156(3) Cr.P.C before the trial Court to register the First Information Report against the petitioner based on his complaint dated 26.07.2023 and it was allowed by the trial Court. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submits that based on the complaints given by the aggrieved persons, the petitioner has registered the cases against the first respondent and other accused which cannot be questioned and the petitioner has done his official duty diligently, for which, he cannot be punished. Necessarily, the Court has to obtain sanction under Section 197 Cr.P.C, before taking cognizance of the offence against the public servant.

4. The learned Senior Counsel appearing for the first respondent submits that the first respondent is a practicing advocate and the petitioner, who is working as the Deputy Superintendent of Police, has induced the local councilor and other persons to give false complaint against the first

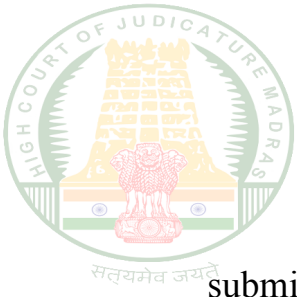


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respondent, on which, false cases were registered against the first respondent. Even though the persons, who have given complaints at the instigation of the petitioner, are prepared to withdraw the complaints, the petitioner cannot allow them to withdraw the same. Moreover, the petitioner is unnecessarily harassing the first respondent and the other Advocates. On 24.07.2023, when the Advocates Association, Uthukkottai, conducted Dharna against the Circular for not placing the photo of Dr.Ambhedkar in the Court hall, the petitioner threatened the first respondent and other advocates not to conduct Dharna and abused them by using caste name. Thus, the petitioner committed the offence under Sections 166, 167, 153-A, 211, 506(ii) IPC r/w. 34 IPC and Section 3 of SC/ST Act (Prevention of Atrocities Act, 1989). Hence, he made a complaint before Uthukkottai Police Station and though it was registered on 09.08.2023, no action was taken. Therefore, he filed a petition under Section 156(3) Cr.P.C to register the First Information Report against the petitioner, based on his complaint dated 26.07.2023.

5. The learned Senior Counsel appearing for the first respondent



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submits that the first respondent has no personal grievance against the petitioner and he has no objection for setting aside the impugned order passed by the trial Court, if the complaints registered against the first respondent are closed, since the persons, who have given complaints against the first respondent, are prepared to withdraw the complaints.

6. In reply to the same, the learned counsel appearing for the petitioner, on instructions, submits that if the persons, who have given complaints against the first respondent, give letter before the Police saying that they are not inclined to proceed with the criminal case which was registered against the first respondent, it will be decided in the manner known to law.

7. In view of the consent view expressed by the learned counsel appearing for the first respondent, the impugned order passed by the learned Principal District and Sessions Judge, Tiruvallur, in Crl.M.P.No.6093 of 2023 dated 22.12.2023 is set aside. However, if the



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persons, who have given complaints against the first respondent, give letter to the Police that they are inclined to withdraw the complaint, the same shall be entertained by the Police and necessary action has to be taken for closing the complaints.

8. Accordingly, the Criminal Revision Case is allowed.

03.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The learned Principal District and Sessions Judge, Tiruvallur.



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M.DHANDAPANI, J.

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