



CrI.R.C.(MD).No.1033 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	20.12.2023
Pronounced On	19.03.2024

CORAM
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD). No.1033 of 2023

P.Manimurugan

... Petitioner/Petitioner

Vs.

1. The State through
Sub Inspector of Police,
Vilampatti Police Station,
Nilacottai taluk,
Dindigul District.

2. Sharmila
The Inspector of Police,
Vilampatti Police Station,
Nilacottai taluk,
Dindigul District.

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order in CrI.M.P.No.3517 of 2023 dated 20.06.2023 on the file of the learned Judicial Magistrate, Nilakottai and set aside the same as illegal.

For Petitioner : Mr.S.Moorthy

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

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The revision petitioner who is a practicing advocate filed this revision petition challenging the dismissal of his petition filed under Section 156(3) of Cr.P.C., in Crl.M.P.No.3517 of 2023, dated 26.06.2023, before the learned Judicial Magistrate, Nilakottai.

2.The case of the petitioner is that the petitioner is a practicing advocate in Judicial Magistrate Court, Nilakottai. On 18.02.2023, the petitioner appeared before the second respondent/the Inspector of Police, Vilampatti Police station, Dindigul District and gave a complaint with allegation that at the time of installing two tube lights in the temple namely Pethasamy Temple, at Ethilodu, one Pandi and his henchmen were said to have threatened the petitioner. The second respondent refused to register the complaint. Consequently, there was a wordy altercation between the second respondent and the petitioner. Therefore, the second respondent registered the case against the petitioner in Crime No.19 of 2023 under Section 353 of IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act, with the allegations that the petitioner was in an inebriated condition, abused the second respondent and all the police officers, present in the station and thereby restrained from discharging their duty. The said scene was captured



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by the Police Station CCTV Camera. After registration of the FIR, the entire video footage was published in the social media. Therefore, on 28.02.2023, he sent a complaint to the Sub Inspector of Police, Vilampatti Police Station, Nilacottai taluk, Dindigul District, against the second respondent to take action. The copies of the said complaint were sent to the Director General of Police, office of the Director General of Police, Dr.Radhakrishnan Salai, Mylapore, Chennai, and the Superintendent of Police, Office of the Superintendent of Police, Dindigul. The same was received by the above officials on 01.03.2023 and on 02.03.2023. Since there was no action, he filed a petition under Section 156(3) of Cr.P.C., in Crl.M.P.No.3517 of 2023, before the learned Judicial Magistrate, Nilakottai. The learned Judicial Magistrate, Nilakottai, by impugned order dated 20.06.2023, dismissed the petition on the ground that without obtaining the necessary sanction under Section 197 Cr.P.C., the petition cannot be entertained. Challenging the same, the petitioner filed this revision case before this Court.

3.The learned counsel appearing for the petitioner submitted that to entertain the complaint under Section 156(3) of Cr.P.C. against the police officials, whether the requirement of sanction under Section 197 of Cr.P.C., is



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necessary or not is pending before the larger bench of the Honourable Supreme Court. In the said circumstances, the learned Judicial Magistrate ought to have issued a direction to the law enforcing authority to take action against the second respondent on the ground that cognizable offence is made out in the petition.

4.Since the petitioner impleaded the jurisdictional police station and also the second respondent as a party in this case, this Court asked the learned Additional Public Prosecutor to get instruction and also directed the second respondent to appear before this Court and file the report before this Court relating to the allegations made by the petitioner against the second respondent.

5.As per the direction of this Court, the learned Additional Public Prosecutor filed a status report and also produced CD file relating to the FIR in Crime No.19 of 2023, registered against the petitioner. The concerned jurisdictional officers also filed the report. On the basis of the report, the learned Additional Public Prosecutor submitted that there is a temple called Pethasamy Temple, situated at Ethilodu Village, Dindigul District, within the jurisdiction of the respondent police station. The said temple belongs to the Scheduled Caste (Arunthathiar). Frequent fight happened between two groups of people under the



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head of one Pandi and Krishnamoorthy, regarding the right of poojariship and also the management of the said temple, from the year 2021. Relating to the above issue, frequent rival complaints are made by both the parties against each other. Every year, during Masi Sivarathiri Festival conducted in the Pethasamy Temple, situated at Ethilodu Village, Dindigul District, there was a breach of peace in that locality due to the dispute between the parties. Hence, the respondent Police registered number of cases against both parties. After registration the number of cases against both parties, the Revenue Officials and the law enforcing authority conducted peace meeting and instructed both the parties not to conduct any festival in the temple and permitted them to worship the deity. In the mean time, Pandi group filed the writ petition in W.P.(MD).No. 14476 of 2023 before this Court seeking permission to conduct the Kumbabishekam. On 20.06.2023, the said writ petition was dismissed with Cost of Rs.15,000/- on the ground that without construction of the temple, seeking permission itself amounts to abuse of process of law.

5.1.In the said circumstances, the petitioner, as advocate approached the second respondent to register the case against one Pandi group. When, the second respondent refused to receive the complaint the petitioner caused



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disturbance to all the police officers in an inebriated condition and also deterred all the police officers including the second respondent from discharging their duty. Therefore, the first respondent registered the case against the petitioner in Crime No.19 of 2023 under Section 353 of IPC and Section 4(1)(j) of Tamil Nadu Prohibition Act. As a counter blast, the petitioner filed the false complaint without any truth in the allegations against the police officials. Therefore, they seek for dismissal of this revision. They also produced the CD file, which is relevant material relating to the above factual aspects.

6.This Court considered the rival submission on either side and also perused the record and the impugned order. This Court also considered the report and CD file produced by the learned Additional Public Prosecutor.

7.From the records, it is revealed that there was a dispute between the Pandi group and Krishnamoorthy relating to the trusteeship and poojariship of the Pethasamy Temple, Ethilodu Village, Dindigul District. The Revenue Officials also considering the dispute between the parties from the year 2021, directed the parties not to conduct any festival and allowed the parties to worship the deity. It is also revealed from the records in Crime No.19 of 2023



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that the petitioner is said to have entered into the police station in an inebriated condition and deterred the second respondent and other officials from discharging their duty. The allegation made in the FIR is the subject matter of C.C.No.160 of 2023, which is pending before the Judicial Magistrate Court, Nilakottai.

8.In view of the above, this Court is not inclined to go into the truth of the said allegation. So far as the complaint is concerned, it is the specific allegation that even in the petition it is stated that he entered into the police station and made a complaint to the second respondent and the second respondent refused to receive the complaint. Thereafter, the second respondent shared the video, in the social media. The said allegation of the petitioner is disputed by the second respondent police and also the first respondent Police. On the whole reading of the said allegation, it is seen that the case is regarding the discharge of the duty by the police officials. The petitioner entered into the police station and made nuisance and he has also admitted that there was a wordy altercation between the second respondent and the petitioner. Hence, this Court finds that the said allegation did not constitute any offence against the police officials. It is not the case of the police officials that they assaulted the petitioner and there was a



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wordy altercation between them. According to this version, this Court finds no prima facie case against the second respondent to register the complaint under Section 156(3) of Cr.P.C. Hence, this Court is inclined to dismiss the revision as there is no reason to entertain the complaint under Section 156(3) of Cr.P.C.

9. Accordingly, this Criminal Revision Case is dismissed and the orders passed by the Courts below are hereby confirmed.

19.03.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate,
Nilakottai.
2. The Sub Inspector of Police,
Vilampatti Police Station,
Nilacottai taluk, Dindigul District.
3. The Inspector of Police,
Vilampatti Police Station,
Nilacottai taluk, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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Pre-delivery Order made in
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