



CrI.O.P.No. 8098 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.8098 of 2025

A.V.Afroz Ahamed

... Petitioner

Vs.

1.Vinoth Santharam

2.State represented by
The Inspector of Police,
G-1, Vepery Police Station,
Chennai 600 005.

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order in CrI.R.C.No.119 of 2023 dated 29.04.2024 on the file of the XXI Additional City Civil Court at Allikulam, Chennai in CrI.M.P.No.7742 of 2022 on the file of II Metropolitan Magistrate at Egmore, Chennai dated 17.03.2023.

For Petitioner : Mr.C.Kanagaraj

For R2 : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER



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This Criminal Original Petition has been filed challenging the order dated 29.04.2024 passed in Crl.R.C.No.119 of 2023 by the XXI Additional City Civil Court, Allikulam, Chennai, confirming the order dated 17.03.2023 passed in Crl.M.P.No.7742 of 2022 by the II Metropolitan Magistrate, Egmore, Chennai, thereby dismissing the petitioner's application seeking a direction under Section 156(3) of the Cr.P.C.

2. The case of the prosecution is that during the Vardha cyclone in the year 2016, there was an electricity breakdown and some areas, including Sadayappan Street in Chennai, experienced a power outage. The petitioner, a social activist, contacted the Tamil Nadu Electricity Board (TNEB) and lodged a complaint before the second respondent. It is alleged that at this juncture, a false case was foisted upon the petitioner and others, particularly members of the Muslim community. Subsequently, the police personnel visited the petitioner's residence, allegedly assaulted him and prevented him from lodging a complaint. The petitioner further contends that during the assault, his cell phone, Aadhar



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card and wristwatch were stolen by the police personnel. The petitioner claims that he was then referred to Royapettah Hospital, Chennai, for treatment before being remanded to judicial custody and later granted bail. In the year 2022, the petitioner filed a private complaint seeking action against the police personnel involved. However, the said complaint was dismissed. Aggrieved by the dismissal, the petitioner filed a revision petition, which was also dismissed by the Courts below.

3. The learned counsel for the petitioner submits that the complaint was dismissed on the sole ground that the petitioner had failed to obtain sanction to prosecute the police personnel involved. It is contended that no such sanction is required for the prosecution of police personnel under the circumstances, as the alleged incident occurred while the police were discharging their official duties. That apart, the petitioner asserts that the police personnel stole his personal belongings, including his Aadhar card, wristwatch, and cell phone.

4. Upon hearing the submissions and perusing the materials placed before this Court, it is observed that the dismissal of the petitioner's



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complaint was not solely based on the failure to obtain sanction for prosecution. The complaint was rejected on several other grounds, including the fact that the complaint was filed after a period of six years from the date of the alleged occurrence. That apart, the petitioner failed to provide specific details regarding the time and date of the alleged incident. The petitioner merely made vague and bald allegations regarding an encounter with the Assistant Commissioner of Police at the Tamil Nadu Electricity Board office, but failed to substantiate the specific role of the police personnel involved, as well as the injuries sustained by him. The petitioner's delay in filing the complaint and the lack of specific allegations against the police personnel raised doubts about the veracity of the claim. Further, the petitioner is a history-sheeter and the Court finds that the complaint was filed with the ulterior motive of escaping the clutches of law. Both the Courts below, after considering the facts and circumstances of the case, have rightly rejected the petitioner's application seeking a direction under Section 156(3) of the Cr.P.C. for investigation into the matter.

5. In view of the above, this Court finds no grounds to interfere



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with the orders passed by the Courts below. Accordingly, this Criminal
Original Petition stands dismissed.

17.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk

To

1. Additional City Civil Court at Allikulam, Chennai
2. II Metropolitan Magistrate at Egmore, Chennai



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WEB COPY 3. The Inspector of Police,
G-1, Vepery Police Station,
Chennai 600 005.

4. The Public Prosecutor,
High Court, Madras.

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