



Crl.R.C(MD)No.1440 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1440 of 2025

Shanmugavalli,
D/o.Seenivasan,
Secretary,
Karunkudi Village,
Kallal Union,
Sivagangai District – 630 807.
(Now at Karunkudi Village,
Managiri Post,
Sivagangai District)

... Petitioner

vs.

1.Ramanathan @ Annamalai,
S/o.Kodaichamy,
Neethi Street,
Ilangudi Village,
Managiri Post,
Sivagangai – 630 307.

2.Shanmugasundaram,
S/o.Arumugam,
Aram Street,
Ilangudi Village,
Managiri Post,



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Sivagangai – 630 307.

3. Raja Mohamed, S/o.Musthafa,
Neethi Street,
Ilangudi Village,
Managiri Post,
Sivagangai 630 307.
4. Sakthivel, S/o.Krishnan,
Anbu Street,
Ilangudi Village,
Managiri Post,
Sivagangai 630 307.
5. Muthu, S/o.Karuppaiah,
Aram Street,
Ilangudi Village,
Managiri Post,
Sivagangai 630 307.
6. Asaithambi, S/o.Arumugam,
Neethi Street,
Ilangudi Village,
Managiri Post,
Sivagangai 630 307.
7. Venkatachalam, S/o.Palaniyappan,
Anbu Street,
Ilangudi Village,
Managiri Post,
Sivagangai 630 307.

... Respondents



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PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order passed in Crl.M.P.No.64 of 2025, dated 20.08.2025, on the file of the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District.

For Petitioner : Mr.A.Arputharaj

ORDER

Heard Mr.A.Arputharaj, learned counsel appearing for the Petitioner. Since the Criminal Revision Petition is disposed of at the admission stage itself and in view of the order to be passed in this petition, notice to the Respondents is dispensed with.

2. This Criminal Revision Petition has been filed by the Revision Petitioner to set aside the the order passed in Crl.M.P.No.64 of 2025, dated 20.08.2025, on the file of the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District.



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3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-

a) The Revision Petitioner has been working as the Secretary at Illangudi Village Panchayat for 16 years. The Respondents have been disseminating false and defamatory allegations against her, abusing her regarding her differently abled body and her caste. On 23.11.2024, they attacked her, causing injuries, and abused her with filthy words. She made a complaint to the police, but no action was taken. The Respondents have also defamed her on social media, including WhatsApp and Facebook, and affixed posters with defamatory allegations in public places. Despite receiving a legal notice, they continue to defame her.

b) The Revision Petitioner filed an application under Section 222 of Bharatiya Nagarik Suraksha Sanhita (BNSS) Act, 2023 in CrL.M.P.No.64 of 2025 before the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai, seeking to take



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cognizance of the offence under Section 356(2) of BNS. The Court below, vide order dated 20.08.2025, dismissed the application on the ground that the application filed under Section 222 of Bharatiya Nagarik Suraksha Sanhita (BNSS), Act 2023, would be maintainable only before the Court of Sessions and not before the Magistrate's Court, as the alleged defamation was done by the Respondents in connection with her discharge of duties as Secretary of the Village Panchayat. Aggrieved by the order dated 20.08.2025, the present Criminal Revision Petition has been filed.

4. Today, when the matter was taken up, the learned Counsel for the Revision Petitioner submitted that the learned Magistrate passed a mechanical order without giving details and reasons, and the same is defective and needs to be rectified. He prayed that this Criminal Revision Petition may be allowed, setting aside the order dated 20.08.2025, passed by the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District, in CrL.M.P.No.64 of 2025.



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5. I have considered the submission of the learned counsel for the Revision Petitioner and perused the record.

6. It is admitted that the Revision Petitioner is a Government servant working as a Secretary of Village Panchayat and allegations have been levelled against the Respondents for committing offences under Section 356(2) of BNS, including defamation against her in connection with her official duties.

7. The Court below has rightly observed that as per Section 222(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), Act 2023, the application under Section 222 of BNSS is maintainable before the Court of Sessions, and not before the Magistrate's Court. Section 222(2) of BNSS states that when an offence under Chapter XIX of BNS is alleged to have been committed against a public servant in respect of their conduct in discharge of public functions, the Court of Session may take



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cognizance of the offence upon a complaint in writing made by the

Public Prosecutor. For better appreciation, Section 222(2) of Bharatiya

Nagarik Suraksha Sanhita, 2023 (BNSS) reads as follows:

“222.

.....

(2) Notwithstanding anything contained in this Sanhita, when any offence falling under Chapter XIX of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed against a person who, at the time of such commission, is the President of India, the Vice-President of India, the Governor of a State, the Administrator of a Union territory or a Minister of the Union or of a State or of a Union territory, or any other public servant employed in connection with the affairs of the Union or of a State in respect of his conduct in the discharge of his public functions, a Court of Session may take cognizance of such offence, without the case being committed to it, upon a complaint in writing made by the Public Prosecutor.”



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8. In view of the above provision, the learned Judicial Magistrate has rightly rejected the application filed by the Revision Petitioner, holding that it is maintainable before the Court of Sessions. I find no error in the order dated 20.08.2025 passed in Crl.M.P.No.64 of 2025, by the learned Principal District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District. Therefore, the Criminal Revision Petition is liable to be dismissed.

9. With the above observations, this Criminal Revision Petition is **dismissed**. The Revision Petitioner is at liberty to approach the competent Court of law, if aggrieved. File is consigned to record. There is no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

19.11.2025



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To:

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- 1.The Principal District Munsif cum Judicial Magistrate,
Thiruppathur,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
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19.11.2025