



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 19-06-2026**

**CORAM**

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 15542 of 2026**

P.Muruganantham  
S/o. Late.Palanisamy,  
88A, Valluvar Street, Porur Post,  
Sankagiri Taluk, Salem District.

..Petitioner(s)

Vs

1. S.N.K.Eswaran  
S/o. K.Kanthasamy,  
Venkateshwara Constructions,  
Old Bus Stand Building, Thiruchengode.
2. Nithya  
D/o. Selvam,  
No.3/11, Pokkampalayam,  
Kumaramangalam Post,  
Thiruchengode.
3. The Manager  
District Industries Centre (DIC),  
Erode District.
4. The Branch Manager  
Tamilnadu Mercantile Bank,  
South Ratha Street,  
Thiruchengode.
5. K.Balasundaram  
S/o. Kanthasamy,  
Sri Venkateswara Constructions,  
Thiruchengode.
6. Vijayakumar  
C/o. Eswaran,  
Venkateswara Constructions,  
Thiruchengode.



7. T.Selvam

No.3/11, Pokkampalayam,  
Kumaramangalam Post,  
Thiruchengode.

8. Kanthasamy

Former Inspector of Police  
Thiruchengode P.S,  
Currently Deputy Superintendent of Police  
(DSP), Alcohol Prohibition Wing,  
Villupuram District

..Respondent(s)

**PRAYER:** This criminal original petition filed under Section 528 of BNSS, 2023 to set aside the return docket order dated 06.10.2025 passed by the Judicial Magistrate, Thiruchengode in Crl.M.P.Sr.No.1755 of 2025, pass such further or other orders as this Honble court may deem fit and proper in the interest of justice.

For Petitioner(s):

Mr.A.Umar Mohamed

### **ORDER**

This criminal original petition has been filed to set aside the return docket order dated 06.10.2025 passed by the Judicial Magistrate, Thiruchengode in Crl.M.P.Sr.No.1755 of 2025.

2.The petitioner filed a private complaint against eight persons for offences under Sections 198, 199 & 351 (2) of BNS. The trial Court received the complaint on 29.09.2025. Thereafter, it was returned on 06.10.2025 with an

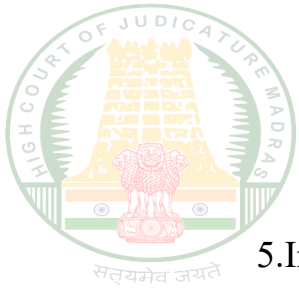


endorsement that the 8<sup>th</sup> respondent shown in the private complaint is a police personnel and without obtaining sanction, complaint filed, hence returned.

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3.The learned counsel appearing for the petitioner submitted that the petitioner was not even heard or given an opportunity to explain why the prior sanction in this case is not required. He further submitted that the 8<sup>th</sup> respondent though a police personnel, he had not committed the offence, while discharging his official duty and hence, prior sanction is not required. He has got several judgements to show that prior sanction is required only if the act has been committed during discharge of official duty and not otherwise. There are sufficient averments and documents annexed with the complaint to confirm the same, this would be explained only when the petition is heard.

4.Considering the above submissions, and without going into the merits of the case, this Court is of the view that returning the complaint without hearing the petitioner is not proper. Hence, the return is set aside. The petitioner is directed to represent the complaint. The learned Judicial Magistrate, Thiruchengode, to hear the case of the petitioner and give an opportunity to the petitioner and peruse the materials placed on record and thereafter, pass appropriate order on merits.



5. In view of the above, this criminal original petition is allowed.

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19-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

**Note:** Registry is directed to return the original  
return docket order dated 06.10.2025.

To

The Judicial Magistrate, Thiruchengode.



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**M.NIRMAL KUMAR, J.**

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