



Crl.RC.No.1118 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM:

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

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G.Rajaraman

... Petitioner

Vs.

State Rep. By
The Sub Inspector of Police,
Reddiarpalayam Police Station,
Oulgaret,
Puducherry 605 010

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 r/w 403 Cr.P.C. to set aside the order dated 20.06.2022 made in Crl.MP.No.3069 of 2022 on the file of the Judicial Magistrate-III, Puducherry and to direct the respondent to register the FIR based on the petitioner's complaint dated 12.03.2022 in accordance with law and allow the criminal revision petition.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.A.Alexander,
Government Advocate(crl.side)

ORDER

This criminal revision case has been filed against the order of the learned Judicial Magistrate No.III, Puducherry made in
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Crl.MP.No.3069 of 2022 dated 20.06.2022 thereby dismissing the private complaint filed by the petitioner.

2. The petitioner lodged complaint before the respondent stating that one, Ramesh, Sub Inspector had registered FIR in Crime No.107 of 2016 for the offence under Sections 505(1)(c) of IPC and 3 of Police (Incitement to Disaffection) Act, 1922 by which the petitioner had been arrested and remanded to judicial custody, and laid charge sheet No.87 of 2016, without getting prior sanction of the Government or the District Magistrate or the Commissioner of Police. However, the complaint was not received by the respondent. Therefore, the petitioner filed a private complaint before the Judicial Magistrate-III, Puducherry alleging that the respondent kept on registering false FIR's against the petitioner, that too without following the provisions under Sections 41(B) of Cr.P.C. Therefore, the respondent had committed offence under Sections 166, 166-A, 167, 219, 220 of IPC. However, the learned Magistrate dismissed the complaint for want of sanction.

3. The learned counsel for the petitioner submits that in order to prosecute the respondent for the offence punishable under Sections 166, 166A, 167 of IPC, sanction is not required as per Criminal Law (Amendment) Act, 2013 which states that no sanction shall be required in case a public servant is an accused of any offence alleged to have been



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committed under Sections 166-A, Section 166-B, Section 354, Section 354-A, Section 354-B, Section 354-C, Section 354-D, Section 376-DA, Section 376-DB or Section 509 of IPC. Therefore, the trial court ought not have dismissed the private complaint.

4. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

5. On perusal of the records and also on the submissions made by the learned counsel appearing on either side, it is revealed that the allegation made against the respondent is that the respondent failed to receive the complaint lodged by the petitioner. The trial court found that the allegation made against the respondent is pertaining to performing his official duty, therefore prior sanction is necessary to prosecute a public servant and if sanction is not obtained, no court shall take cognizance against the erred official.

6. The sanction of the Government, to prosecute a police officer, for any act related to the discharge of an official duty, is imperative to protect the police officer from facing harassive, retaliatory, revengeful and frivolous proceedings. The requirement of sanction from



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the government, to prosecute would give an upright police officer the confidence to discharge his official duties efficiently, without fear of vindictive retaliation by initiation of criminal action, from which he would be protected under [Section 197](#) of the Code of Criminal Procedure. Though certain offences committed by a police officer does not require prior sanction under section 197 of Cr.P.C., as per the Criminal Law (Amendment) Act, 2013, the remedy is available only when the alleged act done by the public servant is reasonably connected with the discharge of his official duty and not merely a cloak for doing the objectionable act. While doing his official duty, he acted in excess of his duty, but there is a reasonable connection between the act and the performance of the official duty, the excess will not be a sufficient ground to deprive the public servant of the protection. An offence committed entirely outside the scope of the duty of the police officer, would certainly not require sanction. If a policeman while doing official duty has acted in excess of duty, but there is a reasonable connection between the act and the performance of the official duty, the fact that the act alleged is in excess of duty will not be ground enough to deprive the policeman of the protection of government sanction for initiation of criminal action against him. Therefore, the provision under Section 197 of Cr.P.C, is very clear that sanction is required not only for acts done in discharge of official duty, it is also

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required for an act purported to be done in discharge of official duty and/or act done under colour of or in excess of such duty or authority.

7. Further, the question of sanction is of paramount importance for protecting a public servant who has acted in good faith while performing his duty. The public servant may not be unnecessarily harassed on a complaint of an unscrupulous person, which is obligatory on the part of the executive authority to protect him. Admittedly, in the case on hand, the petitioner failed to obtain any previous sanction to prosecute the respondent, when the respondent while discharging his official duty, the petitioner alleged that the respondent had committed offence. Therefore, the trial court rightly dismissed the complaint and this Court finds no infirmity or illegality in the impugned order.

8. In view of the above discussion, this criminal revision case is dismissed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Judicial Magistrate-III, Puducherry
- 2.The Sub Inspector of Police,
Reddiarpalayam Police Station,
Olugaret,
Puducherry 605 010

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