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CrI.RC.No.143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM:

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

CrI.RC.No.143 of 2023

A.Renuga

... Petitioner

Vs.

The Inspector of Police,
Traffic(West) Police Station,
Villianur,
Puducherry 605 110(presently)

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C. to set aside the order dated 05.09.2022 made in CrI.MP.No.4034 of 2020 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 23.09.2017 in accordance with law and allow the criminal revision petition.

For Petitioner : Ms.R.Kalaiyarasi

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 in CrI.MP.No.4034



CrI.RC.No.143 of 2023

of 2020 dated 05.09.2022 thereby dismissing the private complaint filed by the petitioner.

2. The petitioner lodged complaint before the respondent against her husband and family members on certain allegations. On receipt of the said complaint, the respondent registered FIR in crime No.3 of 2018 for the offence under Sections 498-A, 377 r/w 34 of IPC and Section 4 of Dowry Prohibition Act. After completion of investigation, the respondent filed final report on 13.07.2018. However, the respondent failed to add Section 354A(1)(iii) of IPC. Therefore, the petitioner sought for further investigation and it was not considered by the respondent. Further, the petitioner also alleged that the respondent did not adopt proper legal procedure while investigating the matter. Therefore, the petitioner lodged complaint for the offence under Sections 166, 166A, 167 of IPC and Section 29 of Police Act as against the respondent by way of private complaint. It was dismissed 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 and Section 29 of Police Act, sanction is not required as per Criminal Law (Amendment) Act, 2013 which states that



Crl.RC.No.143 of 2023

no sanction shall be required in case a public servant is an accused of any offence alleged to have been 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. Further, there are specific allegations against the respondent for not taking appropriate action against the accused and as such, 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 add one section while filing charge sheet as against the accused persons in the complaint lodged by the petitioner. If at all the petitioner is aggrieved over the deletion report submitted by the respondent, the petitioner can seek appropriate remedy by way of filing proper application. The trial court found that all the allegations made against the respondent are pertaining to performing his official duty, therefore prior sanction is necessary to prosecute a public servant and if sanction is not obtained, no



CrI.RC.No.143 of 2023

court shall take cognizance against the erred official.

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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 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 [Sec 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 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.



Crl.RC.No.143 of 2023

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

WEB COPY

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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23.03.2026
(1/3)



Crl.RC.No.143 of 2023

To
WEB COPY

- 1.The learned Judicial Magistrate-III, Puducherry
- 2.The Inspector of Police,
Traffic(West) Police Station,
Villianur,
Puducherry 605 110(presently)



WEB COPY



CrI.RC.No.143 of 2023

G.K.ILANTHIRAIYAN, J.

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CrI.RC.No.143 of 2023

23.03.2026

(1/3)