

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.II, AT
CHENGALPATTU**

**Present:- Tmt. S. Sahaana, M.A., M.L., MA.,
Judicial Magistrate No.II, Chengalpattu.**

Monday, the 18th day of May 2026

CrI.M.P.No. 1475 of 2025

Paramasivam, Aged about 53 years,
S/o. M.K. Venugopal
No.91/4, 2nd Street,
Kamarajar Nagar, (Melamaiyur Panchayat),
Chengalpattu Taluk and District – 603 001.

.... Petitioner

-vs-

Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District – 603 001.

.... Respondents

This case came up for final hearing on 18.05.2026, in the presence of M/s. V. Paramasivam, Party in Person. Upon hearing arguments and upon perusing the records and having stood over till this day for the consideration of this Court, this Court delivered the following:-

ORDER

1. This Petition is filed by the Petitioner seeking the relief under section 175(3) BNSS 2023 to register a FIR on the complaint.

2. Brief averment of the Petition filed by the Petitioner is as follows:

The Petitioner herein is doing social service and he is the chief of the Thirumani Makkal Nalasangam On 26.07.2024, he sent RTI petition to SP Office and on 29.07.2024, the same was received by ADSP(crime). On 29.07.2024, he filed 3 RTI Petition directly and had affixed the date seal as 08.08.2024 on the Right to Information application of the complainant instead of 29.07.2024, allegedly with the intention of causing injury to the

complainant. On 07.10.2024, he lodged a complaint at Chengalpattu Taluk Police Station as against ADSP Crime Thiru. G. Velmurugan has committed offence punishable U/s. 201, 235, 336(3), 336(4), 341(4) BNSS and the same was received on 14.10.2024, no action was taken. On 31.12.2024, he gave complaint to SP, no action was taken. On 28.10.2024, he sent Petition to DGP and Principal Secretary through post, no reply was sent. 120 days have lapsed and so previous sanction has been deemed to be given. Hence the Petition.

3. Brief averment of the Reply filed by the Respondent Police is as follows:

The Petitioner is an Rowdy History sheet No. 03/2024 and many cases are pending as against the Petitioner in various Police Station. The Petitioner is in the habit of giving false complaint as against the Government Officials. The Petitioner filed this Petition as against the Police Officials who did not work in favour of the Petitioner. The Petitioner filed this Petitioner with false allegation. Hence, this Petition may be dismissed.

4. Points for determination:

Whether the Petition filed by the Petitioner seeking relief of registration of FIR on his complaint can be allowed or not?

5. Discussion:

The complainant appeared in person. The petitioner/complainant has filed the petition under section 173(3) of BNSS Act 2023 to direct the respondent Inspector of Police, Taluk Police Station, Chengalpattu to register the case against the Public Information Officer in the office of the Superintendent of Police, Chengalpattu, namely G. Velmurugan, Additional Deputy Superintendent of Police, alleging that he had affixed the date seal as 08.08.2024 on the Right to Information application of the complainant instead of 29.07.2024, allegedly with the intention of causing injury to the complainant. On the said allegation, the complainant seeks registration of a case and prosecution of the said officer for the offences punishable under Sections 201, 336(3) and 341(4) of the Bharatiya Nyaya Sanhita, 2023.

6. A reply has been filed by the respondent/Inspector of Police, Taluk Police Station, Chengalpattu. In the reply it is stated that the complainant is a history-sheeter and that several criminal cases are pending against him. It is further stated that he is in the habit of filing complaints against public servants when he does not receive favourable orders from them.

7. At the outset, it is necessary to note that the act complained of relates to the discharge of statutory functions by the Public Information Officer under the Right to Information Act, 2005.

Section 21 of the RTI Act provides protection to officers for acts done in good faith under the Act, which reads as follows:

“No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.”

8. Even according to the averments in the complaint, the Public Information Officer has neither created nor falsified any document or electronic record. The allegation is only with regard to affixture of a date seal on the RTI application. Such allegation, even if taken at face value, does not satisfy the essential ingredients required to constitute an offence under Section 201 of the Bharatiya Nyaya Sanhita, 2023 as alleged by the complainant.

9. Further, the proposed accused is a police officer, and the alleged act is stated to have occurred on 08.08.2024, whereas the present petition has been filed only on 25.04.2025. The complaint has been instituted without issuing the statutory notice to the concerned police officer or to the Superintendent of Police of the District as required under Section 53 of the Tamil Nadu District Police Act, 1859. Compliance with the said provision is mandatory when initiating prosecution against police personnel for acts done in the discharge of official duties. In the present case, the complaint has been filed without such statutory compliance.

10. Further, as per the Madras High Court Circular in R.O.C. No.1062/2003/F1 dated 22.05.2003, private complaints against police personnel are required to be presented before

the Court of the Chief Judicial Magistrate. The present complaint has not been instituted before the competent forum in accordance with the said administrative directions of the Hon'ble High Court.

11. Thus, from the materials placed in the complaint itself, it is evident that the complaint suffers from fundamental legal defects, both on the ground of statutory protection and non-compliance with mandatory procedural requirements. Since the complaint itself is legally not maintainable, this Court finds no necessity to accede the request of petitioner in consequence, this Petition is dismissed at the threshold.

12. In the result, this Petition is dismissed at the threshold.

Dictated to the Typist directly, typed by her, corrected and pronounced by me on this 18th day of May 2026.

**Judicial Magistrate No.II,
Chengalpattu.**

The Petitioner side witnesses: Nil.

The Petitioner side documents: Nil.

**Judicial Magistrate No.II,
Chengalpattu.**