

**IN THE COURT OF JUDICIAL MAGISTRATE AT KATPADI
VELLORE DISTRICT**

**PRESENT: Thiru.S.K.P.Dilip Babu,M.A., M.L.,
JUDICIAL MAGISTRATE**

On Friday, this the 06th day of March 2026

Crl.M.P.No.2389/2025

V.Akila Victor, Age 39,
D/o M.Victor,
Flat No.42,DP Enclave Apartments,
Old Katpadi,
Vellore District-632007.

...Complainant

/Versus/

Mrs. Amutha
Inspector of Police,
All Women Police Station,
Chittoor-Katpadi Road,
Katpadi,
Vellore District-632007.

...Accused

This petition coming on this day before me in the presence of Mr.G.Sasikumar Counsel for Petitioner and upon hearing the arguments this Court passed the following:

ORDER

1. The petition was filed as private complaint. Sworn statement of complainant was recorded and examined as PW1. No documents was produced. Records perused. The above case is filed to take action against the respondents for failure on their part to comply with the official work by way of registering FIR. In the absence of any documentary evidence this Court cannot rely on the

version of the complainant. Further even assuming the Respondent failed to comply with the official work that does not constitute criminal offense in the absence of oral and documentary evidence. Further it is well settled principle of law that without prior sanction cognizance cannot be taken against government servants.

2. The Hon'ble Supreme Court of India in General Officer, Commanding VS. CBI in Criminal Appeal No. 257 of 2011 has held that *“Thus, in view of the above, the law on the issue of sanction can be summarized to the effect that the question of sanction is of paramount importance for protecting a public servant who has acted in good faith while performing his duty. In order that the public servant may not be unnecessarily harassed on a complaint of an unscrupulous person, it is obligatory on the part of the executive authority to protect him..... If the law requires sanction, and the court proceeds against a public servant without sanction, the public servant has a right to raise the issue of jurisdiction as the entire action may be rendered void abinitio.”*

3. The Hon'ble Supreme Court of India in Anil Kumar & ors VS. M.K.Aiyappa & Anr in Criminal Appeal No. 1590 – 1591 of 2013 has held that *“ In such an event, it shall not be reversed or altered by a court in appeal, confirmation or revision on the ground of absence of sanction. That does not mean that the requirement to obtain sanction is not a mandatory requirement. Once it is noticed that there was no previous sanction, as already indicated in various judgments referred to hereinabove, the Magistrate cannot order investigation against a public servant while invoking powers under Section 156(3) Cr.P.C. The above legal position, as already indicated, has been clearly spelt out in Paras Nath Singh and Subramaniam Swamy cases (supra).”*

4. On the facts and circumstances of the case this Court feels that no prima facie case is made out for taking cognizance.

Hence in the result petition is dismissed.

This order is dictated by me to the Steno-typist, corrected and pronounced by me in open court on this the 6th day March 2026.

**Judicial Magistrate,
Katpadi.**