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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

MISC. CRIMINAL CASE No. 3117 of 2012

SUSHIL

Versus

MOHAN SINGH YADAV AND ANR.

Appearance:

*Shri Avinash Sirpurkar - Senior Advocate with Shri Yogesh Kumar
Gupta – Advocate for the petitioner.*

Shri Hemant Sharma – G.A. for State.

Reserved on : 11.02.2026

Pronounced on : 16.04.2026

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ORDER

1] They are heard and perused the documents filed on record.

2] This petition has been filed by the petitioner under Section 482 of Cr.P.C. against the order dated 13.02.2012 passed in Criminal Revision No.878 of 2011 by learned Sessions Judge, Indore, whereby the learned Judge has dismissed the criminal revision filed by the petitioner and affirmed the order dated 22.11.2011, passed by Judicial Magistrate First Class, Indore, in an unregistered complaint No.0/2011, whereby the learned Judge of the trial Court has dismissed the private complaint of the petitioner.



3] In brief, the facts of the case are that a private complaint was filed by the petitioner against the respondent No.1 Mohan Singh Yadav, who was posted as SHO at Police Station M.I.G., Indore at the relevant time, and it is alleged that he registered an FIR against the petitioner at the instance of one Jagdish Chhayadi, who was the relative of the petitioner. It is alleged that the FIR was lodged without conducting any prior inquiry. In the said FIR, it was alleged that the petitioner had sent obscene messages to Jagdish Chhayadi's daughter Deepika. The grievance of the petitioner is that Deepika had also lodged a similar FIR, which was compromised. However, when the same allegations were made by her father, the FIR has been registered as aforesaid. Thus, according to the petitioner, the respondent No.1 had committed the offence under Section 166 of IPC, i.e., a public servant disobeying the law with intent to cause injury to any person. The aforesaid private complaint was rejected by the learned Judge of the trial Court vide its order dated 22.11.2011, holding that no case for interference is made out as the petitioner has not taken any sanction under Section 197 of Cr.P.C. When the aforesaid order was challenged by the petitioner in the District Revisional Court in Criminal Revision No.878 of 2011, the same was also rejected holding that not only the sanction was required to be taken, as the respondent No.1 was acting in the line of his duty, but even otherwise, no case under Section 166 of IPC is made out, as no such ingredients are available in the complaint, as the aforesaid FIR has also not been quashed by any Court of law.



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4] Senior counsel for the petitioner has submitted that the respondent No.1 has acted *malafidely* in registering the FIR, and thus, Section 166 of IPC would be applicable on his conduct.

5] Counsel for the State, on the other hand, has opposed the prayer.

6] Heard. Having considered the rival submissions, perusal of the documents filed on record, it is found that the FIR at Crime No.423 of 2011 was lodged by the respondent No.1 against the petitioner u/s.507, 506-II of IPC, and as noted by the learned Judge of the Revisional Court, the FIR has not been quashed by any Court of law, whereas in the complaint filed by the petitioner against the respondent no.1, even the ingredients of Section 166 of IPC are not made out in the complaint, on a minute scrutiny of the complaint itself, this Court also finds that merely lodging of an FIR against the petitioner would not give rise to a cause of action to file a complaint under Section 166 of IPC, and apart from that since the FIR was lodged by the respondent No.1 in performance of his duties, sanction under Section 197 of Cr.P.C. would be mandatory. Apart from that, it is also found that against the petitioner charge under Sections 507, 506-II of IPC was also framed in the FIR lodged by Jagdish Chhayadi.

7] This court is also of the considered opinion that if such complaints against the police personnel are entertained by the courts in a routine manner, without requiring the complainant to first obtain an order of sanction u/s. 197 of Cr.P.C./Section 218 of BNSS, it would lead to an unruly situation as every other accused would try to influence, harass or pressurize the investigating officer or any other police officers who have



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either lodged the FIR against the complainant or have carried out the investigation, which cannot be intention of the legislature, and that is why s.197 has been introduced.

8] In view of the same, the petition being devoid of merits, is hereby **dismissed**.

(SUBODH ABHYANKAR)
JUDGE

Pankaj