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SUPREME COURT OF INDIA

G.C. MANJUNATH & OTHERS ...APPELLANTS

VERSUS

SEETARAM ...RESPONDENT

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CIVIL APPEAL NO. 1759 OF 2025

Date of Judgement: 03/04/2025

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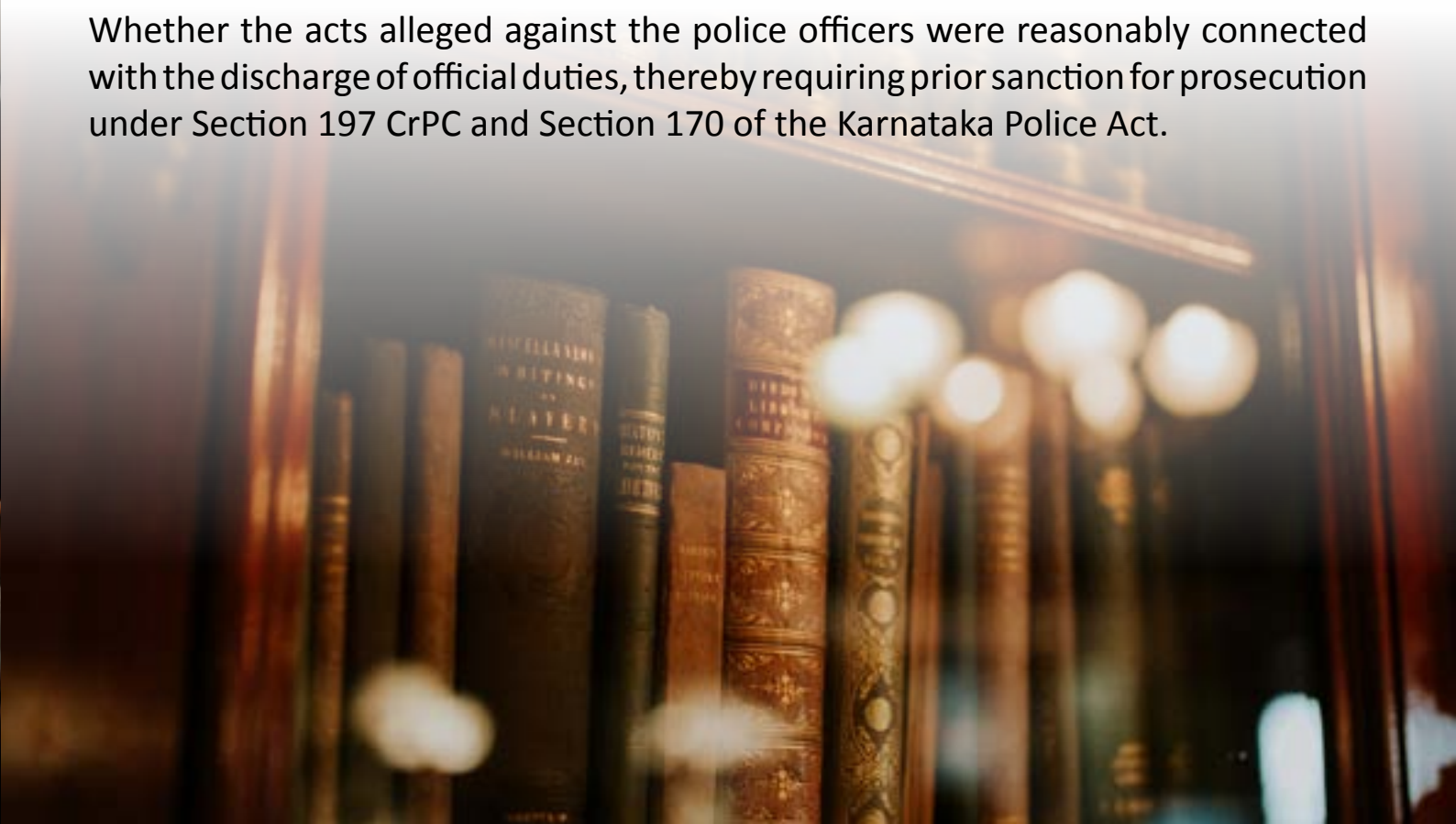
Facts of the Case:

The case arose from a private complaint filed by one Seetaram, who alleged that he was falsely implicated, assaulted, and humiliated by certain police officers — accused Nos.1 to 5 — from Mahalakshmi Layout Police Station, Bengaluru, during 1999–2000. The complainant claimed that due to his efforts to expose the misconduct of police officers, the accused, in retaliation, fabricated criminal cases against him, illegally detained him, stripped and assaulted him, and had his photos taken in a demeaning manner. It was also alleged that these photos were later published in a defamatory way by accused No.6, associated with *Bruna Weekly Magazine*. A private complaint was filed in 2007, leading to the issuance of summons by the learned VII Additional Chief Metropolitan Magistrate, Bengaluru in 2010.

Accused Nos. 2, 3, and 5 challenged the summoning order primarily on the ground that the Magistrate had taken cognisance without obtaining prior sanction from the Government as required under Section 197 of the CrPC and Section 170 of the Karnataka Police Act, 1963. While the High Court dismissed their challenge, holding that the acts were not connected to official duty and hence did not require sanction, the Supreme Court was approached in appeal.

Issues Advanced:

Whether the acts alleged against the police officers were reasonably connected with the discharge of official duties, thereby requiring prior sanction for prosecution under Section 197 CrPC and Section 170 of the Karnataka Police Act.



Judgement:

The Supreme Court held that the acts complained of — though excessive and serious in nature — were committed during the course of official functions, and hence prior sanction was mandatory. The Court concluded that in the absence of such sanction, the initiation of criminal proceedings stood vitiated and should be quashed.

The Court explained the object and scope of Section 197 of the CrPC, clarifying when the requirement of prior sanction arises. The relevant para of the judgement is reproduced as under:

Para 30: A careful reading of **Section 197 of the CrPC unequivocally delineates a statutory bar on the Court's jurisdiction to take cognisance of offences alleged against public servants, save without the prior sanction of the appropriate government. The essential precondition for the applicability of this provision is that the alleged offence must have been committed by the public servant while acting in the discharge of, or purported discharge of, their official duties.** ***The protective mantle of Section 197 of the CrPC, however, is not absolute; it does not extend to acts that are manifestly beyond the scope of official duty or wholly unconnected thereto. Acts bereft of any reasonable nexus to official functions fall outside the ambit of this safeguard and do not attract the bar imposed under Section 197 of the CrPC.***

Further, the Court referred to its earlier decision in D. Devaraja to reinforce the principle that even excessive acts may be protected, provided they are reasonably connected with official duty.



Para 34 (from D. Devaraja case):……If in doing an official duty a policeman 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 the government sanction for initiation of criminal action against him.

The Court then crystallised the legal test for determining whether sanction is required, emphasising the existence of a "**reasonable connection**". The relevant para is reproduced as under:

Para 36: In light of the aforesaid judgments, **the guiding principle governing the necessity of prior sanction stands well crystallised. The pivotal inquiry is whether the impugned act is reasonably connected to the discharge of official duty. If the act is wholly unconnected or manifestly devoid of any nexus to the official functions of the public servant, the requirement of sanction is obviated. Conversely, where there exists even a reasonable link between the act complained of and the official duties of the public servant, the protective umbrella of Section 197 of the CrPC and Section 170 of the Police Act is attracted. In such cases, prior sanction assumes the character of a sine qua non, regardless of whether the public servant exceeded the scope of authority or acted improperly while discharging his duty.**



Applying this principle to the facts before it, the Court found that the accused police officers were acting within the purview of their official roles, even if their conduct may have exceeded legal bounds.

Para 38: In the circumstances at hand, we are of the considered opinion that the allegations levelled against the accused persons, though grave, squarely fall within the ambit of 'acts done under colour of, or in excess of, such duty or authority,' and 'acting or purporting to act in the discharge of his official duty,' as envisaged under Section 170 of the Police Act and Section 197 of the CrPC respectively. This Court, while adjudicating on instances of alleged police excess, has consistently held in Virupaxappa and D. Devaraja, that where a police officer, in the course of performing official duties, exceeds the bounds of such duty, the protective shield under the relevant statutory provisions continues to apply, provided there exists a reasonable nexus between the impugned act and the discharge of official functions. It has been categorically held that transgression

or overstepping of authority does not, by itself, suffice to displace the statutory safeguard of requiring prior government sanction before prosecuting the public servant concerned.

Para 40: In the present case, it is evident that the actions attributed to the accused persons emanate from the discharge of their official duties, specifically in connection with the investigation of criminal cases pending against the complainant. As previously observed, a mere excess or overreach in the performance of official duty does not, by itself, disentitle a public servant from the statutory protection mandated by law. The safeguard of obtaining prior sanction from the competent authority, as envisaged under Section 197 of the CrPC and Section 170 of the Police Act cannot be rendered nugatory merely because the acts alleged may have exceeded the strict bounds of official duty. In view of the foregoing, we are of the considered opinion that the learned VII Additional Chief Metropolitan Magistrate erred in taking cognisance of the alleged offences against the accused persons without the requisite sanction for prosecution in the instant case. The absence of the necessary sanction vitiates the very initiation of criminal proceedings against the accused persons.

In the end, the Supreme Court noted that the alleged incidents date back to 1999–2000. Since then, three of the six accused had passed away. The criminal proceedings now remained only against accused Nos.2 and 5, both of whom had retired from police service — accused No.2 in 2015 (now aged 71) and accused No.5 in 2020 (now aged 64). Considering the long passage of time and the advanced age and retirement of the remaining accused, the Court held that continuing the prosecution would serve no meaningful purpose.

Finally, the Court concluded that the appeal deserved to be allowed. It set aside the High Court's order dated 17.03.2021, and as a result, quashed both the summoning order of the Magistrate dated 07.05.2016 and the Sessions Court's confirming order dated 11.06.2020. Thus, all criminal proceedings against accused Nos. 2 and 5 were quashed.

