

## **HIGH COURT OF MADHYA PRADESH**

**MCRC No.46422/2020**

**Indore, Dated : 22.12.2020**

Shri Siddharth Sharma, learned counsel for the petitioner.

Shri Vaibhav Jain, learned counsel for the respondent.

Learned counsel for the petitioner submits that while passing the impugned order dated 13.10.2020 the trial Court could not have directed to obtain the sanction for prosecution. He further submits that on receiving the closure report, the trial Court had only three options; either to accept the closure report, or to direct further investigation or to treat the case as complaint case but the trial Court has directed the authority to submit the prosecution sanction, which is not permissible in law. In support of his submission he has placed reliance upon the judgment of the Supreme Court in the matter of **Sanjaysinh Ramrao Chavan Vs. Dattatray Gulabrao Phalke and others reported in (2015) 3 SCC 123** and in the matter of **Vasanti Dubey Vs. State of M.P. reported in 2012(2) SCC 731.**

Learned counsel for the State prays for time to obtain instructions in the matter. He has submitted that the respondents will have no option but to grant sanction for prosecution in pursuance to the impugned order.

Till the next date of hearing, respondents are restrained from taking further action in pursuance to the impugned order dated 13.10.2020.

List on 11.1.2021.

**(Prakash Shrivastava)**  
**Judge**

**(Shailendra Shukla)**  
**Judge**