



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.112 of 2017

Mariselvam : Petitioner/Petitioner

-Vs.-

1. State represented by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District. : 1st Respondent/Complainant
2. M.Ramkumar,
Graduate Teacher,
Panchayat Union Middle School,
Muthudevanpatti,
Kodankipatti Post,
Theni District.
3. R.Abdul Jabbar,
Headmaster,
Nearby Government Girls High School,
Vadakku Forest Road,
Vadakarai, Periyakulam.
4. Kalaiselvi,
Headmaster (Incharge),
Panchayat Union Middle School,
Muthudevanpatti,
Kodankipatti Post,
Theni District. : Respondents 2 to 4 / Accused No.1 to 3

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to call for the records and set aside the order passed in Cr.M.P.No.5728 of 2016 dated 24.11.2016 on the file of the learned Judicial Magistrate, Theni by allowing this Criminal Revision Petition.

For Petitioner : Mr.A.Ajmalkhan
For Respondent No.1 : Mrs.S.Bharathi
Government Advocate (Crl. Side)
For Respondent No.2 : Mr.R.Murali
For Respondent No.3 : Mr.A.Srinivasan
For Respondent No.4 : No appearance

**O R D E R**

The petitioner is working as teacher in a private school. The petitioner filed a petition in Cr.M.P.No.5728 of 2016 before the learned Judicial Magistrate, Theni, under Section 156(3) Cr.P.C., for a direction to the police to register a case against the District Elementary Educational Officer, Theni, for passing an order, under which, one Ramkumar has been given promotion.

2. It is the contention of the petitioner that the District Elementary Education Officer, Theni, had manipulated the date in his order and therefore, a police investigation is essential. The learned Judicial Magistrate, Theni, has dismissed Cr.M.P.No.5728 of 2016 on 24.11.2016, by a well-considered order, which does not require interference by this Court.

3. In ***Mrs.Priyanka Srivastava and another Vs. State of U.P.*** reported ***in 2015(4) Scale 120***, the Supreme Court has very clearly outlined the parameters, under which, a complaint under Section 156 (3) Cr.P.C., should be entertained. Here, the dispute is essentially with regard to service jurisprudence, in which, the petitioner is seeking to give a criminal colour. Hence, this Criminal Revision Case is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Theni.
2. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.SRINIVASAN, ADVOCATE IN SR No. 56389
+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 56304

SM

TE/JC/SAR-1 : 05/04/2018 : 2P/6C