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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.3956/2016 & Crl.M.P.No.2020 of 2016

[Video Conferencing]

R.Thangaraj

... Petitioner/Accused

Versus

1.The State represented by
The Sub-Inspector of Police,
S-15, Selaiyur Police Station,
Chennai - 600 073.

... Respondent/Complainant

2.A.Anbazhagan

... Respondent/Defacto Complainant

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.195 of 2013 now pending on the file of the Judicial Magistrate Court, Tambaram, and to quash the same.

For Petitioner : Mr.M.R.Jothimanian

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The present Criminal Original Petition had been filed under Section 482 of Cr.P.C seeking interference with further progress in C.C.No.195 of 2013 now pending on the file of the Judicial Magistrate, Tambaram.

2.The petitioner has obtained his doctorate in Zoology and was working as a Lecturer on contract basis in SIVET College. There was an opening in the said college for appointment of regular professor. The petitioner had applied. He was not selected. He was deeply aggrieved by the selected candidate. It is his contention that selection was strained with nepotism and also that the candidate was not fully qualified. The petitioner, to express his grievance is alleged to have sent an anonymous



message in this regard to the Principal of the college. That anonymous complaint had been forwarded to the 1st respondent / Sub-Inspector of Police. The 1st respondent had initially closed the case.

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3. Thereafter, the 2nd respondent / de-facto complainant / Principal of the college appears to have filed a petition under Section 482 of Cr.P.C., before this Court and a direction was issued to register a First Information Report and investigate. Accordingly, the FIR in Crime No.37 of 2013 was registered on 05.01.2013 under Section 294(b) and 507 of IPC. Even though it is under Section 507 of IPC, which relates to, Criminal Intimidation by an anonymous complaint, quite strangely in the First Information Report, the name of the accused had been given. If an anonymous complaint is received by police, the accused can be determined only after investigation. In the complaint itself, it had however been stated that it is the present petitioner who should have written anonymous complaint. That can be termed only as a suspicion expressed by the defacto complainant. But an obligation is placed on the Investigation Officer to independently examine the contents and thereafter, determine the accused after investigation. But here there appears to be pre-determined fixation of the accused even at the time of lodging the complaint and at the time of registering the First Information Report.

4. However, by that time much bad blood had been spilt between the parties. The petitioner also filed two Writ Petitions questioning the selection of the regular professor who was appointed and which post, the petitioner wanted to get. The petitioner also had instituted a suit seeking compensation for wrongful dismissal and to hand back the certificates which he had given to the college authorities. An ex parte decree had been obtained in the suit.

5. Owing to the registration of First Information Report, the petitioner had to approach this Court seeking anticipatory bail. It is stated by the learned counsel for the petitioner that in accordance with the views expressed while granting anticipatory bail, the petitioner had also tendered apologies before the police officials. Now the petitioner has been appointed in an advantageous post in another university.

6. It is only appropriate that both the respondent college and the petitioner move forward in their academic pursuits, rather than wandering around the Courts of law over this particular issue. On a perusal of the final report, which had been filed, there are four list witnesses who had been mentioned. The first witness is the Principal of the college, the second witness is the Head of the Department of Zoology, the



third witness is the Secretary of the Management and the fourth witness is the officer who had registered the FIR and had also investigated further and had filed a final report.

7. Even though notice had been served on the 2nd respondent/LW-1/Principal of the college, there has been no response and I am informed that he has since retired and moved away in life and probably he is no more interested in pursuing the complaint given by him, which complaint had been lodged by him owing to the fact that he happened to be the Principal of the college. He had no direct or personal interest in lodging the complaint.

8. In view of the facts stated, I have no hesitation in interfering with the further progress of C.C.No.195 of 2013. As stated one of the offence under Section 507 IPC which is criminal intimidation by anonymous complaint. Naturally, the person who had given the said intimation should be an anonymous person and thereafter the accused should be fixed after investigation. Even if he is named in the complaint, it should be only on suspicion.

9. It appears to be a clear case where primarily the defacto complainant appears to have fixed or predetermined that it was the petitioner herein who had sent the anonymous complaint. The scales of justice is skewed owing to that pre-determination. The nature of the complaint is also quite frivolous in nature and had been lodged more out of personal grievance and then with intention to commit any offence. The further progress of C.C.No.195 of 2013 on the file of the Judicial Magistrate, Tambaram, is interfered with and the said Calendar Case is quashed.

10. With the above observations, the present Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Tambaram.
2. The Sub-Inspector of Police,
S-15, Selaiyur Police Station,
Chennai - 600 073.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.Jothiraman, Advocate, S.R.No.54684

Crl.OP.No.3956/2016

SSD(CO)
SU(26/11/2021)