



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19427 of 2023
and Crl MP No.13082 of 2023

K. Kuppulingam

Petitioner

vs.

R. Boopalan,
Deputy Inspector of Schools (Retd)
Zone-V, Villianur, Puducherry,
Govt. Of Puducherry
3,5th Cross, Radhakrishnan Nagar Extension,
Moolakulam, Puducherry State

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime Revision Petition No.2/2020 dated 14.07.2022 on the file of the Hon'ble III Additional Sessions Judge, Puducherry and the order of dismissal of complaint made in Crl.MP. 650/2019 dated 10.10.2019 on the file of the learned Judicial Magistrate III, Puducherry and set aside the same.

For Petitioner : K.Kuppulingam

For Respondent : Mr. A. Damodaran,
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the order passed by the Court below, dismissing Crl. RC No.02/2020 dated 04.07.2022, confirming the order of the learned Judicial Magistrate-III, Puducherry, in Crl.M.P. No. 650 of 2019 dated 10.10.2019.

2. This Court heard the petitioner who appeared in person and carefully perused the materials available on record.

3. The case of the petitioner is that he was working as a watchman and was a Government Servant. All of a sudden, steps were taken to transfer and relive the petitioner from the existing position. The petitioner did not give his willingness and he also conveyed his objections. In the meantime, the petitioner was forcibly stopped from performing his duty and according to the petitioner, he has been victimized and even without serving the reliving order, the petitioner was relieved from the duty.



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4. The petitioner was aggrieved by the same and hence, he filed a complaint before the learned Magistrate on the ground that as a public servant he was threatened of injury and forcibly stopped from coming to work and therefore, the petitioner wanted an action to be initiated against the respondent under Section 189 of IPC. This came to be dismissed by the learned Magistrate on the ground that no offence has been made out and the same has been confirmed by the Court below. Aggrieved by the same, the present petition has been filed under Section 482 IPC.

5. On carefully going through the materials, it is seen that the petitioner was aggrieved by the fact that he was relieved from his duty from 25.08.2008 onwards. According to the petitioner, he was threatened and was stopped from coming to work. Both the Courts below considered the sworn statement that was recorded from the petitioner wherein there was absolutely no allegation which satisfied the requirement of Section 189 of IPC. The Court below had in fact considered the ingredients of Section 189 IPC and applied the same to the allegations made by the petitioner and found that no offence has



been made out under Section 189 IPC.

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6. Both the Courts below found that the petitioner had refused to receive the reliving order and thereafter, the said order was sent to him by post. If the petitioner was aggrieved by the same, the petitioner ought to have challenged the same in the manner known to law and worked out his remedy. Instead, the petitioner had chosen to proceed against the respondent by filing a complaint for the alleged offence under Section 189 IPC.

7. This Court does not find any illegality or infirmity in the order passed by the Courts below and it does not warrant the interference of this Court.

8. In light of the above discussion, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

28.08.2023



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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
rka/mac

To

1.III Additional Sessions Judge, Puducherry

2.The Public Prosecutor,
High Court, Madras



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N. ANAND VENKATESH, J.
rka/mac

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