



CRL OP(MD). No.4456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 21.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.4456 of 2022 and
CrI.M.P.(MD) No.3161 of 2022**

G.Vethasigamani Baskar

... Petitioner

Vs

R.Abraham

... Respondent

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records in relating to the impugned proceedings in C.C.No.6/2022 on the file of Judicial Magistrate, Srivaikundam, Tuticorin District and quash the same as illegal.

For Petitioner : M/s.A.Mohan for
Mr.A.Ajith Geethan

For Respondents : M/s.S.Palanivelayutham

ORDER

This petition has been filed to quash the proceedings in C.C.No. 6/2022 on the file of the Judicial Magistrate, Srivaikundam.



CRL OP(MD). No.4456 of 2022

2.The case of the respondent is that the petitioner was working as a Headmaster in TNDTA Middle School. It is alleged that while he was working, he has given bogus Record sheet, in his letter pad, in favour of one Balakrishnan for passing VIII standard. Therefore, the respondent preferred a complaint to the educational authorities and since the same was closed, the respondent has preferred a complaint to the District Collector, which was forwarded to the respondent police and a case in Crime No.128 of 2012 has been registered. After enquiry, the said complaint was also closed. However, a subsequent private complaint has been given under Section 156(3) Cr.P.C., which was also closed as Mistake of fact. Again the respondent has preferred a complaint under Section 200 Cr.P.C., which was taken on file in C.C.No.6/2022,for quashing which, the petitioner is before this court.

3.The learned counsel for the petitioner would submit that being unsuccessful in his complaint before the educational authorities, District Collector, under Section 156(3) Cr.P.C., the respondent has finally preferred an application under Section 200 Cr.P.C., wherein summon has also been issued to the petitioner. He would further submit that due to



CRL OP(MD). No.4456 of 2022

the personal vengeance, the respondent has given frivolous complaints and hence, the petitioner has preferred a defamation suit, which was also decreed in favour of the petitioner by directing the respondent to pay Rs.5,00,000/- to the petitioner and in order to escape from the same, the respondent has chosen to initiate proceedings under Section 200 Cr.P.C. and hence, prays for quashing the said proceedings.

4.The learned counsel for the respondent, however, would submit that since the petitioner has given bogus Record Sheet to one Balakrishnan and Karthikesan, the respondent has preferred the aforesaid complaints, since no action whatsoever has been taken against the petitioner. The learned counsel would further submit that there are sufficient materials available to implicate the petitioner and it is a matter for trial and hence, prays for dismissal.

5.This Court gave its anxious consideration to the rival submissions and perused the materials available on record.



CRL OP(MD). No.4456 of 2022

6.From the records, it shows that the respondent has repeatedly given complaint after complaint. At the initial stage, he has given to the educational authorities, District Collector and when the same were closed after conducting enquiry, not satisfied with the same, he has given a petition under Section 156(3) Cr.P.C., which was also rightly taken into account and a case has also been registered, which was also closed as mistake of fact. Even not being satisfied with the same, it seems that the respondent has again initiated proceedings under Section 200 Cr.P.C., which was also taken on file and summons were issued to the petitioner. It is not known as to how the respondent has given such a complaint without any materials and when the authorities itself has conducted enquiry and after enquiry, the said complaint was closed and the locus of the petitioner in preferring the complaint has not been narrated. It is pertinent to note that the petitioner has filed the defamation suit against the respondent, which was decreed by directing the respondent to pay a sum of Rs.5,00,000/-. The respondent has not even challenged the decree by filing an appeal so far. However, it is seen that in order to escape from the same, the respondent has initiated the proceedings under Section 200 Cr.P.C. It shows that the respondent has in the habit of dragging the



CRL OP(MD). No.4456 of 2022

petitioner by one proceeding or another. Hence, for all these reasons, the proceedings in C.C.No.6/2022 has no legs to stand. Accordingly, the criminal original petition is allowed and the proceedings in C.C.No. 6/2022 is hereby quashed. Consequently connected Miscellaneous Petition is closed.

21.02.2024

NCC : Yes/No
Index : Yes/No

RR

TO

The Judicial Magistrate, Srivaikundam, Tuticorin District



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CRL OP(MD). No.4456 of 2022

M.DHANDAPANI. J

RR

**ORDER
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