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CRL.A(MD).No.601 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	19.07.2024
Pronounced On	:	30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.601 of 2024

M.Sakthi

... Appellant

Vs.

1.Lakshmanan
2.K.Uma Devi
3.N.Jeyachandran

4.The Deputy Superintendent of Police,
Theni Sub Division,
Theni.

... Respondents

Prayer : This Criminal Appeal has been filed under Section 374(2) of Cr.P.C., to call for the records relating to the impugned order passed in CrI.M.P.No.228 of 2022 on the file of the learned Special Judge for SC/ST (POA) Theni District, dated 29.05.2024 and set aside the same and consequently, direct the learned Special Judge for SC/ST to adjudicate a private complaint afresh in accordance with law.

For Appellant : Mr.S.Mohamed Azharudeen Sharof

For Respondents : Mr.Thanga Aravindh, (for R4)
Government Advocate(CrI.Side)



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JUDGMENT

The defacto complainant in Crl.M.P.No.228 of 2022 has filed this appeal challenging the dismissal of the complaint under section 203 of Cr.P.C. by impugned order dated 29.05.2024.

2.The appellant is working as Assistant Electrical Engineer TANGEDCO, Uthapanaickanur Division Office, Madurai District. He is also secretary of All india and State SC/ST federation of Government employees and secretary of the Dr.Ambedkar Trade Union of TANGEDCO, Madurai region. He made number of complaints to redress the grievance of the labourers and employees of the said trade union to his higher officer namely 2nd respondent. Therefore, she and her subordinate 3rd respondent had a grudge and personal animosity.

3.The 1st respondent herein is the president of the agricultural association of Melmangalam Village. He made a request to the appellant to rectify the defect in the transformer for the reason that agriculturalists of the area were unable to irrigate the lands. He also made a request to install the new transformer in order to avoid the frequent power disconnection.



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For that the petitioner allegedly demanded Rs.35,000/- and failed to rectify this defect in the existing transformer or installed a new transformer.

Therefore, on 12.06.2019 at 11.00 a.m., the first respondent went to the office of the appellant to redress his grievance and requested to provide electricity connection without break and save the crops. In the said process the appellant is said to have abused the 1st respondent and other persons accompanying with him. Therefore, they made a complaint before the jurisdictional police station and also the appellant's higher officials namely 2nd and 3rd respondents. They conducted enquiry and issued charge memo to the appellant on 13.08.2020. The appellant also made complaint before the jurisdictional police. The appellant also filed a writ petition before this Court in W.P.(MD).No.12655 of 2021 to initiate action against the first respondent. At that stage there was a representation that the CSR No. 493 of 2021 was closed. Therefore this Court disposed the same with liberty to work out his remedy as per law. Subsequently, the appellant filed the private complaint in CrI.M.P.No.228 of 2022, under section 200 of Cr.P.C., to take action against the respondents 1 to 3 herein. The Learned Special Judge dismissed the same by impugned order dated 29.05.2024. Challenging the same, the present appeal has been filed by the appellant.



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4.The learned counsel for the appellant submitted that the learned trial judge erroneously dismissed the petition without looking into the allegation made by the appellant which clearly constitutes the offence under the relevant provision of the SC/ST (POA) Amendment Act,2015. Therefore, he seeks to set aside the impugned order.

5.This Court considered the submission of the appellant and also heard the learned counsel for the Government Advocate (Crl. Side) and also perused the records and impugned order.

6.The 1st respondent being a president of the agricultural society of the village made a request to the appellant to rectify the defect in the existing transformer or install a new transformer and save the standing crops. To redress the said grievance, the appellant is said to have demanded Rs.35,000/- to purchase the material. Therefore, the 1st respondent frequently visited the appellant's office and the appellant on 12.06.2019 abused him and criminally intimidated the 1st respondent stating that no higher officers would take action against him, since he being the secretary of All India and State SC/ST federation of Government employees and secretary of the Dr.Ambedkar Trade Union of TANGEDCO, Madurai



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region. In the said sequence of the events, there was a scuffle. Therefore, the 1st respondent made a complaint and the appellant also made a complaint. The 1st respondent also made a representation to the higher officers of the appellant to redress the agricultural family members grievance and also stated about incident. Therefore, the 2nd respondent issued a charge memo not only on the basis of the 1st respondent's representation and also regarding other materials. In the said circumstances, the appellant filed private complaint after a lapse of long period with allegation against the 1st respondent and his higher officials as if they were said to have committed some offence cannot be accepted. The Learned Trial Judge also considered the same in detail and passed the impugned order of dismissal of this complaint.

7.The Hon'ble Supreme Court has held that in the case of the private complaint it is the duty of the court to look into the allegation to find out if any prima facie case is made out to decide whether, the private complaint to be entertained. In this case the jurisdictional police officers namely Deputy Superintendent of Police, Theni made a detailed investigation on the complaint made by the appellant and closed the same as false. Therefore this court has no hesitation to hold that the private complaint of



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the appellant is false in order to thwart the department proceedings initiated against him.

8. Accordingly this Criminal Appeal stands dismissed and the order passed in Crl.M.P.No.228 of 2022 dated 29.05.2024 passed by the learned Special Judge for SC/ST (POA) Theni district, is hereby confirmed.

30.08.2024

NCC : Yes /No
Index : Yes / No
Internet : Yes / No
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To

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- 1.The learned Special Judge
for SC/ST (POA),
Theni District.
- 2.The Deputy Superintendent of Police,
Theni Sub Division,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

vsg

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