



Crl.R.C.(MD).Nos.475 and 516 of 2024
and
Crl.O.P(MD).No.18418 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.08.2024

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THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD).Nos.475 and 516 of 2024
and
Crl.O.P(MD).No.18418 of 2024

In Crl.R.C(MD).No.475 of 2024

R.Sivaraman

.. Petitioner

Vs.

1.S.Mathiyalagan
Bolck Educational Officer, Grade-2,
In Charge-Tirupanandal Block Education Office,
Kumbakonam,
Thanjavur District.

2.P.Natrajan
S/o.Ponnambalam,
Block Educational Officer, Grade-1,
Block Education Office,
Kumbakonam,
Thanjavur District.

3.T.Thirunavakarasu
District Education Officer, (Elementary)
District Education Office,



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WEB COPY Thanjavur District.

4. Atchayapriya
Joint Registrar Co-operator Societies,
Kumbakonam,
Thanjavur District.
5. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Thanjavur District.
6. The Deputy Superintendent of Police,
Vigilance and Anti-corruption Wing,
Thanjavur District.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 22.08.2023 passed by the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam in Un Numbered Criminal Miscellaneous Petition and set aside the same and consequently, direct the Chief Judicial Magistrate, Thanjavur @ Kumbakonam to number the petition and take the same on file.

For Petitioners : Mr.B.Sargunam
For R1 : Mr.R.Ramasamy
For R5 and R6 : Mr.S.Ravi
Additional Public Prosecutor

In Crl.R.C(MD).No.516 of 2024

State Rep. By the
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thanjavur Detachment.



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State Rep. By
The Public Prosecutor,
Madurai Bench of Madras High Curt.

.. Petitioner

Vs.

1.R.Sivaraman

2.Baranidharan

3.Dinakaran

4.S.Mathiyazhagan
Block Educational Officer Unit-2,
In Charge Thirupanandhanl,
Block Educational Office,
Kumbakonam,
Thanjavur District.

5.P.Sangeetha,
Block Educational Officer,
Thirupanandhal Unit-1,
Block Educational Office,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records in Crl.M.P.No.83 of 2023 dated 14.03.2023 passed by the learned Special Judge Cum Chief Judicial Magistrate for the Trial of Cases under Prevention of Corruption Act, Thanjavur @ Kumbakonam and set aside the same.



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For petitioner : Mr.S.Ravi
Additional Public Prosecutor
For respondents : Mr.G.Karnan

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R.Sivaraman

.. Petitioner

Vs.

1.Bharanitharan
2.Dinakaran
3.S.Mathiyalagan
Block Educational Officer Unit-2,
Thiruppanandhal,
Block Educational Office,
Kumbakonam,
Thanjavur District.

4. P.Sangeetha,
Block Educational Office,
Thiruppanandhal, Unit-1,
Thanjavur District.

5.The Inspector of Police,
Vigilance and Anti-Corruption,
Tamil University Campus,
Thanjavur.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 482 of Cr.P.C.,



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WEB to direct the fifth respondent herein to comply with order in Cr.M.P.No.83 of 2023 dated 14.03.2023 on the file of the learned Chief Judicial Magistrate, Kumbakonam, Thanjavur District and Consequently, register a FIR based on the complaint given by the petitioner dated 01.10.2022 within the stipulated time.

For petitioner : Mr.G.Karnan
For respondents : Mr.S.Ravi
Additional Public Prosecutor

COMMON ORDER

The respondents in Crl.R.C(MD).No.516 of 2024 has filed a petition before the learned Chief Judicial Magistrate Cum Special Judge for trial of Cases under Prevention of Corruption Act, Thanjavur @ Kumbakonam under Section 156(3) Cr.P.C to take action against the Educational Authorities and his brothers.

2. According to the petitioner, the respondents 2 and 3 are the brothers of the petitioner. The petitioner is working as a Teacher and Secretary of Government Aided School, Matiur. The petitioner's case is that the Educational Authorities demanded Rs.5,00,000/- to recognise his right of Management. He made an allegation and preferred a complaint before the Vigilance and Anti-Corruption Department. The Vigilance and Anti-Corruption Department did not take any steps and therefore, he filed a petition under Section 156(3) of Cr.P.C.



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WEB Considering the allegation made in the petition in Crl.M.P.No.83 of 2023 the learned Judicial Magistrate issued a direction to register FIR by the order, dated 14.03.2023. Challenging the same, the Vigilance and Anti-Corruption has filed this revision petition in Crl.R.C.(MD).No.516 of 2024.

3. To implement the above said order dated 14.03.2023, the first respondent in Crl.R.C(MD).No.516 of 2024, namely, Sivaraman has filed Crl.O.P(MD).No.18418 of 2023 before this Court.

4. The first respondent in Crl.R.C(MD).No.516 of 2024 has also initiated another proceedings with the similar relief before the same Court and the same was also dismissed with a finding that the petition is not maintainable. Challenging the same Crl.R.C(MD).No.475 of 2024 has been filed.

5. The learned counsel for the petitioner, after making lengthy submission, submitted that the learned Chief Judicial Magistrate has no power to entertain the petition under Section 156(3) without sanction from the Competent Authority and also submitted that these petitions may be disposed of by directing the parties that after the sanction, they can approach the Competent Authority for



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WEB COPY proper remedy.

6. Considering the request made by the learned counsel for the petitioners, all the cases are disposed of, with the following directions :

(i) the order passed by the learned Chief Judicial Magistrate/Special Judge, Thanjavur @ Kumbakonam, in Crl.M.P.No.83 of 2023 is set aside and;

(ii) the petitioner is at liberty to submit a complaint to the Sanctioning Authority constituted under the Act and the Sanctioning Authority, shall pass appropriate order within a period of three months from the date of complaint. After getting order from the Sanctioning Authority, the petitioners shall proceed further.

01.08.2024

Index : Yes / No
Internet : Yes / No
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- 1.The learned Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Thanjavur District.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti-corruption Wing,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J

tta/sbn

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