



Crl.R.C.(MD)No.617 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 26.03.2025

Pronounced on : 04.06.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

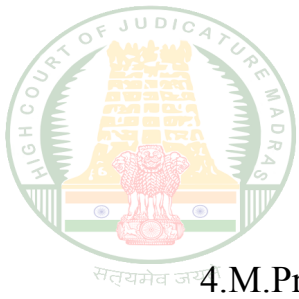
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B.Arunkumar

... Petitioner

Vs.

- 1.M.Muthuselvi
HeadMistress,
Panchayat Union Primary School,
Karukampatti,
Vedasandur Block,
Dindigul District.
- 2.S.Radharani
HeadMistress,
Panchayat Union Primary School,
Nagakonanur,
Vedasandur Block,
Dindigul District.
- 3.R.Shanthi
HeadMistress,
Panchayat Union Primary School,
V.Poothipuram,
Vedasandur Block,
Dindigul District.



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4.M.Prabhu

Secondary Grade Teacher,
Panchayat Union Middle School,
Eriyyodu,
Vedasandur Block,
Dindigul District.

5.M.Annadurai

HeadMaster,
Panchayat Union Primary School,
Veriyampatti,
Vedasandur Block,
Dindigul District.

6.R.Geetha

District Educational Officer,
District Educational Office,
Vedasandur Union,
Dindigul District.

7.C.Karuppasamy

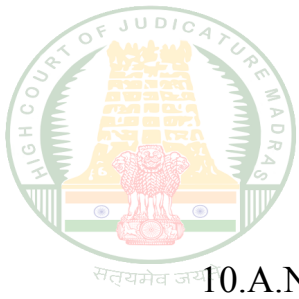
Chief Educational Officer (Retired),
Near Girls Higher Secondary School,
Pugalur,
Karur District.

8.Rajendran

Office Superintendent,
Chief Educational Office,
Dindigul.

9.R.Nagarani

HeadMistress,
Government Girls Higher Secondary School,
Vedasandur,
Dindigul District.



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10.A.Nazarudin

Chief Educational Officer,
Chief Educational Office,
Dindigul,
Dindigul District.

11.R.Senthilkumar

Panchayat Union Middle School,
Thottanampatti,
Vedasandur Block,
Dindigul District.

12.S.James Anthonydoss

... Respondents

Prayer : This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order in Crl.M.P.No.558 of 2023 on the file of the Additional District Munsif cum Judicial Magistrate, Vedasandur, dated 24.02.2023 and set aside the same as illegal.

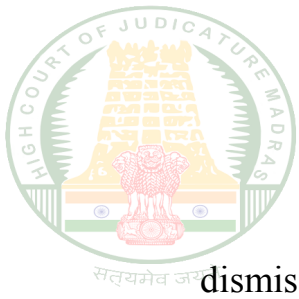
For Petitioner : Mr.M.K.Suresh

For R1, R3 to R5,
R7, R11 & R12 : Mr.Althaf Sheriff
for M/s.Ajmal Associates

For R2 : Mr.T.Antony Arulraj

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.558 of 2023 dated 24.02.2023 on the file of the Court of Additional District Munsif cum Judicial Magistrate, Vedasandur, in



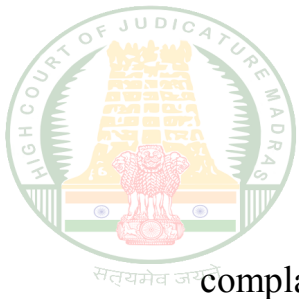
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dismissing the complaint filed under Section 200 of the Code of Criminal Procedure.

2. It is not in dispute that the petitioner/complainant served as Block Education Officer at Vendasandur from 28.11.2018 to 06.10.2021, while the respondents are/were serving or retired Headmasters, Educational Officers, or Teachers in Government Schools within Dindigul District.

3. The case of the petitioner is that the first respondent, while working as a Head Mistress at Karukampatti Panchayat Union Primary School, it was found that she has not disbursed scholarship to the SC / ST girl students despite specific orders of the Tamil Nadu Government and when the same was questioned by the petitioner, the first respondent has produced records, as if, scholarship was disbursed to the girl students, which were found to be forged and fabricated orders. Some of the respondents have also failed to disburse the scholarship and that all respondents, who were all at fault, had conspired together and lodged a sexual harassment complaint against the petitioner before the District Educational Officer, Vendasandur but the allegations levelled in the

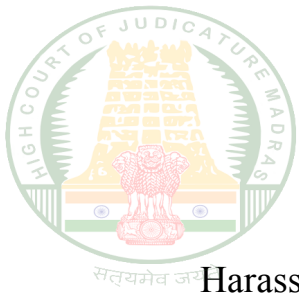


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complaint are all false and untenable. The said complaint was referred to Internal Complaints Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Internal Complaints Committee, after an elaborate enquiry, has submitted a report that the allegations against the petitioner were proved to be false. The respondents, without performing their official duties, had conspired together and lodged the false complaint and therefore, the respondents 1 to 10 have committed the offences punishable under Sections 108, 120(B), 166, 211, 468, 469, 476, 499, 500 r/w 34 IPC and the respondents 11 and 12 have committed the offences punishable under Sections 108, 217, 219, 499, 500 r/w 34 IPC, that though the petitioner has sent several complaints before the Government authorities, they have not taken any action against the respondents and that therefore the petitioner was forced to file a present private complaint under Section 200 Cr.P.C.

4. It is not in dispute that upon receipt of the complaint of sexual harassment from certain teachers including some of the respondents herein, the petitioner was placed under suspension and that the complaint was referred to the Internal Complaints Committee under the Sexual



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Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

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5. It is the specific case of the petitioner that since the Internal Complaints Committee, after enquiry, has found that the allegations levelled against the petitioner are false, the petitioner sent representation to the Government authorities for taking action against the respondents for lodging false complaint, but there was no action and that therefore the present private complaint came to be lodged.

6. No doubt, the Internal Complaints Committee has submitted a report stating that the allegations levelled against the petitioner are not proved. But it is pertinent to note that the respondents 1 and 3 have filed a writ petition in W.P.(MD)No.17190 of 2022 challenging the report of the Internal Complaints Committee and for direction to conduct de nova enquiry in a free and fair manner in accordance with the provisions of the Sexual Harassment of Women at Workplace Act, 2013 and a learned Judge of this Court vide order dated 09.01.2025 set aside the report given by the Internal Complaints Committee and remitted the matter back to the



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Internal Complaints Committee for fresh consideration and the relevant passage, in the said order, is extracted hereunder for better appreciation;

“9.Proviso 2 to Section 11(1) mandates the committee to furnish the copy of the findings to both parties enabling them to make representation as against the findings before the committee. It appears that the proviso 2 to Section 11(1) has not been complied with by the committee. The committee has concluded that the complainants have not substantiated their case with documents and other materials and they have participated in the family function of the 6th respondent. Not even the date of the said function has been mentioned in the report. It is not known as to how the committee has come to the conclusion that the petitioners have participated in the family function of the 6th respondent. Since the report is vague and without complying with the procedures as contemplated in proviso 2 to Section 11(1) of the Act, this Court is inclined to interfere with the report of the internal complaints committee and accordingly, the impugned report is set aside. The matter is remanded to the internal complaints committee for fresh consideration.”

7. When the matter was taken up for final hearing, the learned counsel appearing for the respondents would submit that the enquiry is



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still pending before the Internal Complaints Committee.

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8. As rightly contended by the learned counsel appearing for the respondents, the Internal Complaints Committee's report was set aside by this Court and remitted for fresh consideration. Consequently, the present complaint seeking action against the respondents for their alleged false complaint against the petitioner cannot be sustained.

9. The learned counsel appearing for the respondents would submit that the petitioner has a history of filing multiple cases against the Education Department, government, colleagues, and subordinate staff. Allegedly, this pattern includes filing cases against the respondents in retaliation for their sexual harassment complaint against him. A list of such cases filed by the petitioner against the government and respondents 1 and 5 was provided.

10. It is evident from the records that the petitioner has filed writ petitions challenging his transfer order, suspension order and for revoking suspension order consequent to the submission of the report by the



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Internal Complaints Committee and also to pass final orders in the departmental proceedings.

11. It is evident from the records that the petitioner has already filed a writ petition in W.P.(MD)No.4443 of 2022 against the respondents 1 and 5 and also against the Government authorities seeking a writ of mandamus directing the Chief Educational Officer, Dindigul District to take necessary action against the respondents 1 and 5 for non-disbursement of scholarship to the SC / ST girl students and this Court, vide order dated 02.12.2024, taking note of the legal position that the third parties cannot invoke Article 226 of the Constitution of India for the purpose of initiating departmental proceedings / action against the Government employees, by observing that the petitioner cannot have any legal right to seek for necessary action to be taken as against the respondents 1 and 5, dismissed the writ petition.

12. It is further evident that the petitioner has filed a writ petition in W.P.(MD)No.191 of 2024 against the second respondent and the Elementary Educational Department seeking a writ of mandamus directing the District Educational Officer (Elementary), Ottanchathiram to withhold



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the pensionary benefits to the second respondent by not allowing her to retire on voluntary retirement scheme by considering the petitioner's representation and a learned Judge of this Court, by observing that the Internal Complaints Committee did not arrive at a conclusion that the complaint itself is false one and it did not make any recommendation to initiate any action against the complainants by alleging that the complaint was a malicious one, dismissed the writ petition and the relevant passages are extracted hereunder:-

“10. The whole claim made by the petitioner in this petition is based on the report of the Internal Complaints Committee which comprised of three members out of five members from Gender Sensitization Internal Complaints Committee. It appears that the Internal Complaints Committee have recorded some reasons for not believing the prima facie nature of the complaints placed before them. It is stated in the report that the electronic records like cellphone messages, audio and video or social media materials were not produced to make out a prima facie case. The report does not mention anything about the statement of the complainants. It is not even known whether the statements of the complainants have been obtained by the Committee during enquiry. Even for some of the complaints which did not state anything with regard



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to the electronic transaction, the Committee expected electronic materials.

11. It is difficult to understand that even for the allegations that the petitioner had caused sexual harassment to the complainant by making sexually coloured remarks, the Internal Complaints Committee has expected the complainant to produce the video, audio and photo and any social media records. In any case, the Internal Complaints Committee did not arrive at a conclusion that the complaint itself is false one and it did not make any recommendation to initiate any action against the complainants by alleging that the complaint was a malicious one.

....

13. In the instant case, the Internal Complaints Committee has come out with a report. The said report does not state that the complaint given by the complainant is a malicious one and it does not recommend to initiate any action against the complainants. The above provision further observes that a mere inability to substantiate the complaint or provide adequate proof could not attract action against the complainant. The above parameters is squarely applicable to the facts placed in this case as well and hence the action of the petitioner that the complaint is malicious or that the complainants have given false complaints, cannot be accepted. For the same reasons, no



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direction can be issued to the respondents 1 to 5 to consider the representation of the petitioner and initiate action against the complainants. Hence, this petition is liable to be dismissed.”

13. It is not in dispute that the petitioner has filed another writ petition in W.P.(MD)No.10945 of 2024 against the Educational Department officials seeking a writ of mandamus directing them to consider the petitioner's representation to take necessary action against the complainants alleging that they have given false complaint against him and the learned Judge of this Court, who decided the writ petition in W.P. (MD)No.191 of 2024, while dismissing the said writ petition, has observed that a mere inability to substantiate the complaint or provide adequate proof would not attract action against the complainants. In the said order, it has been specifically observed that the report of the Internal Complaints Committee does not support the allegation of the petitioner that the complaint is malicious or false. It is pertinent to note that the said report given by the Internal Complaints committee, as already pointed out, has already been set aside and as such, the present complaint has no legs to stand.



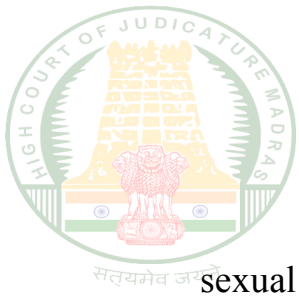
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14. As rightly pointed out by the learned counsel appearing for the respondents, this Court, while deciding the writ petition in W.P.(MD)No. 13011 of 2022, has specifically observed that the petitioner has suppressed the order passed in W.P.(MD)No.8800 of 2022 dated 29.04.2022 and he has not approached this Court with clean hands while filing the said writ petition on 22.06.2022.

15. Considering the above, this Court has no hesitation to observe that a concerning pattern has emerged, wherein, the petitioner has been filing multiple cases against his own Department, colleagues and others abusing the legal process, which amounts to dereliction of duty and misconduct and this threat not only hampers functioning of the Department but also creates hostile work environment. Notably, some of the cases filed by the petitioner involved directing authorities to take action against colleagues, who have filed complaints mainly sexual harassment complaint against him.

16. As rightly contended by the learned counsel appearing for the respondents, just because some of the respondents, who are victims for



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sexual harassment at the hands of the petitioner, have lodged complaints against him, the petitioner has been targeting them by giving representation after representation and by filing cases after cases and thereby made the respondents to suffer, mental agony and severe hardship.

17. In the impugned order, the learned Magistrate has observed that the petitioner failed to establish a *prima facie* case against the respondents. Given the subsequent development of the Internal Complaints Committee's report being set aside, the petitioner's contention that the respondents lodged false complaints lacks basis. This Court concludes that the petitioner, with intent to harass educational officials, filed the complaint without merit and as such, the petitioner is guilty of abusing and misusing the process of law and court. Consequently, the complaint is liable for dismissal with exemplary costs.

18. In the result, the Criminal Revision case stands dismissed with cost of **Rs.50,000/- (Rupees Fifty Thousand only)** payable to the High Court Legal Service Authority attached to this Bench by the petitioner within a period of three weeks from the date of receipt of a copy of this



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order. A copy of this order shall be forwarded to the Director of Elementary Education, DPI Campus, Chennai, for initiating necessary departmental action against the petitioner for his misconduct. No costs.

04.06.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Additional District Munsif cum Judicial Magistrate,
Vedasandur.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
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Dated : 04.06.2025