



Crl.R.C.(MD)No.586 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.03.2025

Delivered on : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.586 of 2024

E.Paulraj

: Petitioner

Vs.

1.Ramakrishnan,
Senior Divisional Security Commissioner,
Tiruchirappalli Railway Junction,
Trichy – I.

2.Deivendran,
Inspector of Police,
Railway Protection Force (RPF),
Tiruchirappalli Railway Junction,
Trichy – I.

3.Ravichandran,
Sub-Inspector of Police,
Railway Protection Force (RPF),
Tiruchirappalli Railway Junction,
Trichy – I.

4.The State rep.by the Inspector of Police,
Contonment Police Station,
Trichy City.

: Respondents



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PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed by the learned I Additional District Judge (PCR), Tiruchirappalli in Cr.M.P. No.2283 of 2024, dated 30.04.2024 and set aside the same and further direct the fourth respondent police to register an FIR based upon the petitioner's complaint.

For Petitioner : Mr.S.Balaji
For Respondents : Mrs.M.Aasha,
Government Advocate (Criminal Side)
for R4.

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.2283 of 2024, dated 30.04.2024 on the file of the learned I Additional District Judge (PCR), Tiruchirappalli, dismissing the petition filed under Section 156(3) of Cr.P.C.

2. The case of the petitioner is that he belongs to Hindu Parayar Community; that he was working as a constable in Railway Protection Force from 2005; that on the basis of the complaint given by one railway employee Selvaraj, a case was registered and after investigation, charge sheet was laid against him; that the Railway Department has proceeded



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with the disciplinary enquiry and on that basis, he was dismissed from service illegally on 11.06.2020; that the petitioner has challenged the dismissal order before this Court and this Court by setting aside the dismissal order, directed the Assistant Security Commissioner, Railway Protection Force, Tiruchirappalli Division, to conduct enquiry and complete the same within a period of 12 weeks; that they conducted enquiry in a biased manner and again dismissed him from service; that the Railway Department has issued a show cause notice, dated 10.10.2023, directing the petitioner to vacate the railway quarters, which was allotted to him earlier; that the petitioner has sent a reply to the authorities on 23.10.2023; that when the petitioner was talking with his friends at about 11.30 am on 03.02.2024, his neighbour contacted him through cell phone and informed that some persons were breaking the locks of his quarters; that the petitioner on the way to his quarters, visited the Divisional Security Commissioner and informed about the incident, which was conveyed to him; that the said Commissioner had abused him in filthy language by using caste name and directed him to go out of that place; that the Inspector of Police, Railway Protection Force and others without giving any eviction notice had vacated the property; that though



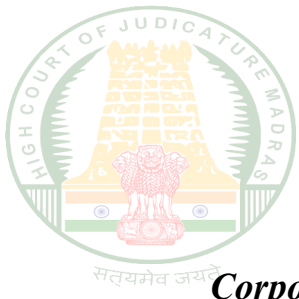
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the petitioner requested some time for vacating, the Inspector of Police and others have abused him in filthy language by using caste name and thrown out the house hold articles, jewels and cash; that the petitioner has lodged a compliant with the Inspector of Police, Contonment Police Station, but they have refused to receive the complaint; that the petitioner has then sent complaint through registered post and as there was no action, sent a complaint to the Assistant Commissioner of Police, Contonment and the Commissioner of Police, Trichy City and that since there was no action, the petitioner was constrained to file the petition under Section 156(3) of Cr.P.C.

3. The learned Judicial Magistrate, taking the petition filed under Section 156(3) Cr.P.C, on file in Cr.M.P.No.2283 of 2024 and upon perusing the petition, petitioner's affidavit and other records and on hearing the petitioner's side, has passed the impugned order dated 30.04.2024, dismissing the petition.

4. Before entering into further discussion, it is necessary to refer the judgment of the Hon'ble Supreme Court in *M/S Indian Oil*



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Corporation vs M/S NEPC India Ltd., and Others, in Crl.A.No.834 of

2002, dated 20.07.2002, wherein, the Hon'ble Apex Court has deprecated the practice of attempting to settle the civil disputes by applying pressure through criminal prosecution and the relevant passage is extracted hereunder:

“10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged. In G. Sagar Suri vs. State of UP [2000 (2) SCC 636], this Court observed :

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal



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proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may."



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5. In *Mitesh Kumar J Sha vs The State Of Karnataka (Crl.A.No. 1285 of 2021, dated 26.10.2021)*, the Hon'ble Supreme Court has reiterated that cloaking a civil dispute with a criminal nature in order to get quicker relief is an abuse of process of law which must be discouraged. Bearing the above legal position on mind, let us consider the case on hand.

6. In the present case, even according to the petitioner, the petitioner was dismissed from Railway service. It is the specific case of the petitioner that the Railway Authorities sent a show cause notice, dated 10.10.2023, directing him to vacate the quarters and that he sent a reply dated 23.10.2023. Even in the petition filed under Section 156(3) Cr.P.C., and the affidavit filed in support of the petition, he has specifically stated that he was residing at Madhankovilpatti, Kallamanayakkanpatti Post, Virudhunagar and used to visit the quarters then and there for the past six months ie., prior to the filing of the said petition. It is not the specific case of the petitioner that he was residing in the quarters after his dismissal from service.



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7.As rightly pointed out by the learned Sessions Judge, in the show cause notice, which came to be produced by the petitioner himself, it has been stated that the petitioner was remaining absent for duty from 09.07.2015, resulting in non-recovery of the rent and other charges for the allotted railway quarters; that the petitioner had been advised to vacate the railway accommodation, vide the office letters cited above in all possible modes, but he had not responded; that the petitioner has been dismissed from service and the proceedings have been closed from both the end and that therefore, with no other option they were constrained to issue notice giving a final chance to vacate the quarters on or before 16.10.2023, failing which eviction proceedings will be initiated immediately.

8. As rightly contended by the learned Government Advocate (Criminal Side), despite the above notice, the petitioner has not chosen to vacate the premises and hence, the railway authorities with no other option proceed to vacate the petitioner. The petitioner aggrieved with the said eviction has lodged a complaint with false and frivolous allegations



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against the officials of railway department. Though the petitioner has alleged that he has challenged the dismissal order, he has not produced any iota of particulars to substantiate the same.

9. As rightly observed by the learned Sessions Judge, in case, if the petitioner is re-instated in service, he would be entitled to post-attached quarters as per rules and regulations of Railway Department.

10.As rightly contended by the learned Government Advocate (Criminal Side), the petitioner in order to make some unlawful gain has made serious allegations invoking the provisions of SC/ST (POA) Act without any iota of basis. Considering the entire facts and circumstances of the case, this Court has no hesitation to hold that the petitioner has been attempting to give eviction issue a criminal color and the above action would only amount to abuse of process of law and as such, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C., cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.



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11. In the result, this Criminal Revision Petition is dismissed.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The I Additional District Judge (PCR),
Tiruchirappalli.
- 2.The Inspector of Police,
Contonment Police Station,
Trichy City.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
CrI.R.C.(MD)No.586 of 2024

Dated: 26.03.2025