

CRL.O.P.(MD).No.19325 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 24.01.2025

Pronounced on : 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD).No.19325 of 2022
and
CRL.M.P.(MD).Nos.13018 & 13110 of 2022

M.Vadivel

... Petitioner / Sole Accused

Vs.

1.The State of Tamil Nadu
represented by the Inspector of Police,
Pasupaty Palayam Police Station,
Karur District.
(Crime No.264 of 2014)

... 1st Respondent / Complainant

2.R.Thiruvalar Selvi

... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C.No.20 of 2021 on the file of the learned Additional Mahila Judge, Karur and quash the same as illegal.

For Petitioner : Mr.M.Ajmalkhan,
Senior Counsel
for M/s.Ajmal Associates



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For R1 : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

For R2 : Mr.K.P.S.Palanivelrajan,
Senior Counsel
for Mr.Sreenivasan

ORDER

This Criminal Original Petition has been filed to quash the proceedings pending in C.C.No.20 of 2021 on the file of the learned Additional Mahila Judge, Karur.

2. The second respondent gave a complaint against the petitioner alleging that the petitioner was sending false complaints against the second respondent to various authorities and by making baseless allegations and that the petitioner was repeatedly alleging that the second respondent is involved in corruption. Action was initiated against the petitioner for insubordination and the petitioner was preventing the second respondent from effectively doing her official duty. When the second respondent went for inspection to the concerned School, the petitioner threatened the second respondent that she is a woman and that she must only comply with what



the petitioner is saying and thereby the second respondent was harassed.

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The sum and substance of the complaint is that the petitioner was continuously harassing the second respondent by sending E-mails with derogative remarks / statements and threatening letters along with the newspaper clippings and also subjected the second respondent to an investigation by the Directorate of Vigilance and Anti Corruption, which was investigated and closed. That apart, the petitioner even without having any consideration that the second respondent is a lady was continuously sending defamatory petitions and E-mails to all schools and higher authorities. Based on this complaint, an FIR came to be registered by the second respondent in Crime No.264 of 2014. On completion of investigation, the police report was filed before the learned Judicial Magistrate No.I, Karur and later, the case was made over to the learned Additional Mahila Judge, Karur and was taken cognizance for offence under Sections 353, 506(i) and 507 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. After taking cognizance, process was issued to the petitioner and the proceedings has been put to challenge in the present quash petition.



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3. Heard the learned counsel on either side.

4. The sum and substance of the submissions made on the side of the petitioner is that the criminal proceedings itself is attended with *mala fides*, since the petitioner was questioning the conduct of the second respondent, who was working as Chief Educational Officer at the relevant point of time and as a result, the petitioner was suspended and disciplinary proceedings were initiated and ultimately, the departmental proceedings came to an end on the ground that the charges were not proved. Several orders were also passed by this Court in this regard. Keeping this in mind, the second respondent was prosecuting the petitioner before a Criminal Court. It was further submitted that the First Information Report was put to challenge in Crl.O.P.(MD).No.14346 of 2014 and this Court *prima facie* found that the proceedings is attended with *mala fides* and the investigation was stayed and in spite of the same, the police proceeded further with the investigation and filed the police report.

5. Per contra, the stand taken by the second respondent is that the petitioner was repeatedly harassing the second respondent by giving various



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complaints and sending derogatory communication through E-mails only with a view to threaten the second respondent and prevent her from doing her duty. That apart, the unruly behavior of the petitioner resulted in a disciplinary action against him for which he was also suspended. Ultimately, the petitioner was targeting the second respondent, since she was a lady officer and the petitioner was showing his superiority and was literally intimidating the second respondent. It was submitted that there are *prima facie* materials to proceed further against the petitioner and hence, the second respondent sought for the dismissal of this petition.

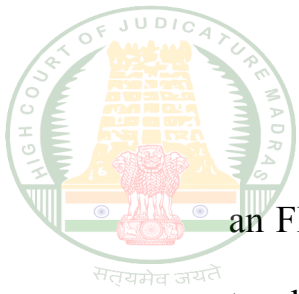
6. It is not in dispute that the petitioner was working in a Higher Secondary School. The dispute between the petitioner and the second respondent started right from the year 2013 where the petitioner was giving various complaints and seeking for information under the Right to Information Act, 2005, specifically pointing out to the second respondent. The petitioner was placed under suspension on the ground of misbehavior, insubordination and dereliction of duty and proceedings emanated from the second respondent. The same was put to challenge before this Court in W.P.(MD).No.2618 of 2014 and this Court allowed the Writ Petition by an order dated 25.02.2014.



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7. The petitioner was once again transferred to another school and the same was once again put to challenge in W.P.(MD).No.4355 of 2014. This Writ Petition was dismissed by an order dated 11.06.2014 and even while dismissing this Writ Petition, this Court made strong observations regarding the personal fight between the petitioner and the second respondent which has resulted in several proceedings.

8. The petitioner was once again placed under suspension and the same was put to challenge in W.P.(MD).No.8356 of 2014. This Court found that the proceedings initiated against the petitioner had some element of *mala fides* and hence, interim orders were passed staying the order of suspension. Thereafter, the disciplinary proceedings were initiated against the petitioner. Ultimately, the Writ Petition filed in W.P.(MD).No.8356 of 2014 was allowed by this Court by an order dated 20.08.2019 by granting liberty to proceed further with the departmental proceedings. The departmental proceedings ultimately ended through proceedings dated 28.02.2020, wherein, it was held that the charges were not proved against the petitioner. Hence, the entire period of suspension was regularized. The second respondent initiated criminal proceedings against the petitioner and



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an FIR came to be registered in Crime No.264 of 2014. The same was put to challenge in Crl.O.P.(MD).No.14346 of 2014. This Court was *prima facie* convinced that the criminal proceeding is attended with *mala fides* and accordingly, the investigation was stayed by an order dated 12.08.2014. In spite of the same, the respondent Police proceeded further with the investigation and filed the police report.

9. In the considered view of this Court, when the interim order was in force, the respondent Police ought not to have investigated the case and filed the police report. Such filing of police report in the teeth of the interim order passed by this Court renders the Police report itself un-sustainable. The Hon'ble Apex Court has repeatedly held that where the respondents have knowledge about an interim order passed by the Court and in spite of the same, proceeds further, the consequential proceedings will become a nullity. Useful reference can be made to the judgment of the Hon'ble Apex Court in the case of ***Manohar Lal (Dead) by LRS and another vs. Ugrasen (Dead) By LRS and Others*** reported in ***(2010) 11 SCC 557***.



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10. Dehors the above finding, even if the entire allegations made in the police report along with the statements collected from the witnesses is taken as it is, this Court finds that the criminal prosecution itself is attended with *mala fides*. It is quite unfortunate that there was a personal fight between the petitioner and the second respondent, which resulted in various complaints and it was unnecessarily eating into valuable time of this Court right from the year 2014 onwards. If really the act committed by the petitioner results in insubordination, misbehavior and dereliction of duty, it must have resulted in imposition of a major penalty against the petitioner in the departmental proceedings. However, the departmental proceedings has come to an end in the year 2020 itself where it was found that the charges against the petitioner has not been proved and the suspension period was regularized. If the disciplinary proceedings have come to an end, there is no reason to proceed further with the criminal prosecution on the same set of facts. Even otherwise, this Court finds that no offence has been made out against the petitioner.

11. In fine, this Court is of the considered opinion that the continuation of the criminal proceedings as against the petitioner will only



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result in abuse of process of law and further, the valuable time of the Court must not be allowed to be wasted to resolve a personal fight between the petitioner and the second respondent.

12. In the result, the proceedings in C.C.No.20 of 2021 on the file of the learned Additional Mahila Judge, Karur against the petitioner is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

(N A V J)
28.01.2025

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No
TSG
TO

- 1.The Additional Mahila Judge, Karur
- 2.The Inspector of Police,
Pasupaty Palayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

TSG

Pre-delivery order made in
CRL.O.P.(MD).No.19325 of 2022

Dated: 28.01.2025