



Crl.R.C.(MD)No.1141 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

Reserved on : 27.02.2025

Pronounced on : 14.03.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1141 of 2023

R.Sivaraman

... Petitioner

Vs.

1.Umadevi

2.Sangeetha

3.Thirunavukkarasu

4.The State rep. by
The Inspector of Police,
District Crime Branch,
Thanjavur District.

... Respondents

Prayer : This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order dated 03.07.2023 made in Crl.M.P.No.2607 of 2023 on the file of learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur and set aside the same and consequently to direct the fourth respondent to register the first information report and investigate the same based on the complaint dated 29.04.2023.



WEB COPY



Crl.R.C.(MD)No.1141 of 2023

For Petitioner : Mr.K.M.Karunakaran
For R1 : Mr.S.Chellapandian
For R2 : Mr.A.Mathan
For R3 : Mr.K.Vijay Sathya
For R4 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.2607 of 2023 dated 03.07.2023 on the file of the District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, in dismissing the petition filed under Section 156(3) of the Code of Criminal Procedure.

2. The case of the petitioner is that the petitioner is a Correspondent and working as a teacher in Mattiyur Government Aided Primary School, Thanjavur, that the first respondent, who is working as a Head Mistress of Government Primary School at Ukkarai Village, with ulterior motive to cheat the Government and receive an uninterrupted Government aid had wrongfully double entered the admission report in the School to show student strength in her School, that the petitioner came to know about the malpractice done by the first respondent with the help of the second

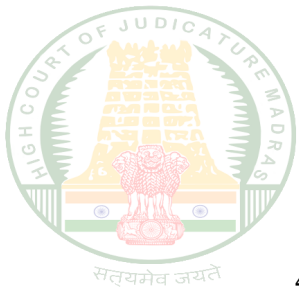


Crl.R.C.(MD)No.1141 of 2023

WEB COPY

respondent/Block Educational Officer and the third respondent/District Educational Officer (Primary Schools Thanjavur), that the petitioner has lodged a complaint before the fourth respondent police on 29.04.2023, but there was no action and that the petitioner has then sent a representation to the District Superintendent of Police, Thanjavur and as there was no action, the petitioner was constrained to file the petition under Section 156(3) Cr.P.C. The learned Magistrate, taking the petition filed under Section 156(3) Cr.P.C. on file in Crl.M.P.No.2607 of 2023 and upon perusing the petition and the petitioner's affidavit and on hearing the petitioner's side, has passed the impugned order dated 03.07.2023 dismissing the petition.

3. The learned counsel appearing for the petitioner would submit that the learned Magistrate has miserably failed to consider the serious offences alleged against the respondents 1 to 3 in the petitioner's complaint despite it discloses offences punishable under Sections 420, 467, 468 and 120B IPC and that the learned Magistrate has no power to take decision under Section 156(3) Cr.P.C. and he has to direct the concerned police to register an FIR and proceed with investigation.



Crl.R.C.(MD)No.1141 of 2023

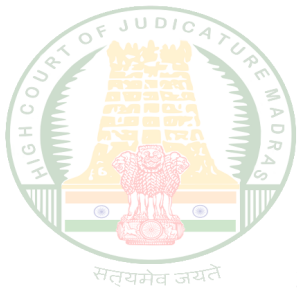
WEB COPY

4. The petitioner's primary contention is that the first respondent violated Government rules and regulations by admitting underage students to 1st standard to 4th standard. Furthermore, the petitioner alleges that the first respondent, in collusion with respondents 2 and 3, admitted students after the Government-specified deadline and fabricated records to show additional students, resulting in a monthly loss of Rs.75,000/- to the Government.

5. Notably, the petitioner is also a Correspondent-cum-Teacher at a Government-aided school and is making allegations against the Head Mistress of a nearby school.

6. The learned counsel appearing for the first respondent would submit that the petitioner, motivated by envy towards the nearby school's performance, has leveled baseless and vexatious allegations.

7. The learned counsel appearing for the respondents 2 and 3 would submit that the allegations are unfounded and that the petitioner has maliciously implicated them in the complaint.



CrI.R.C.(MD)No.1141 of 2023

WEB COPY

8. As the learned Magistrate aptly observed, it is unclear how the dispute raised by the petitioner can be considered a criminal matter. Even assuming respondents 1 to 3 committed violations, these would not constitute offences punishable under criminal law.

9. The learned counsel appearing for the petitioner would submit that since his petition under Section 156(3) Cr.P.C. discloses the commission of cognizable offence, the Judicial Magistrate is duty bound to forward the complaint to the concerned police for registering an FIR and that he has no power or jurisdiction to dismiss the same by himself. The above contention of the learned counsel appearing for the petitioner is absolutely devoid of merit as the complainant does not have an unqualified right to demand a police investigation in all circumstances and moreover, it is not mandatory on the part of the Judicial Magistrate to refer the complaint to the concerned police for registration of the case. It is settled law that the Judicial Magistrate, while exercising power under Section 156(3) Cr.P.C., cannot act as a post office and is duty bound to consider the nature of the accusation or the offences alleged and to decide about the course of action to be taken.



Crl.R.C.(MD)No.1141 of 2023

WEB COPY

10. Considering the complaint's nature and the allegations made, this Court finds that it constitutes a clear abuse of the legal process. Therefore, the learned Magistrate's order dismissing the petition under Section 156(3) Cr.P.C. is unassailable. Consequently, this Court holds that the revision lacks merit and is liable to be dismissed.

11. In the result, this Criminal Revision Case stands dismissed. No costs.

14.03.2025

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

To

1. The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur.
2. The Inspector of Police,
District Crime Branch,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.1141 of 2023



WEB COPY



Crl.R.C.(MD)No.1141 of 2023

K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.R.C.(MD)No.1141 of 2023

Dated : 14.03.2025