



Crl.R.C.(MD).No.1 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 07.04.2025

PRONOUNCED ON : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1 of 2024

B.Arunkumar

... Petitioner/Complainant

Vs.

T.Mohan Doss

: Respondent/Accused

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 Cr.P.C., to call for the records in the judgment passed by the learned Additional District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District in Crl.M.P.No.6473 of 2022, dated 24.02.2023 and set aside the same.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.M.Jerin Mathew



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ORDER

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This Criminal Revision is directed against the order passed in Crl.M.P.No. 6473 of 2022, dated 24.02.2023, on the file of the Additional District Munsif cum Judicial Magistrate, Vendasandur, dismissing the complaint filed under Section 200 Cr.P.C.

2. The case of the petitioner/complainant is that he was working as Additional Assistant elementary Educational Officer at Guzilamparai, that the respondent was working as a Headmaster in Panchayat Union Middle School, R.Kombai, that the petitioner went to inspect the above school on 12.09.2017 and at that time, though the respondent had affixed his signature in the attendance register, he was not on duty, that the petitioner had warned the respondent, that the respondent, having developed grudge over the same, has morphed the photo of the petitioner along with a photo of women colleague and circulated the same with an intention to defame the petitioner and bring down his reputation, that the respondent has also sent the morphed photos to the Director of School Education and as a result, the petitioner was enquired, that when the respondent came to the office of the petitioner on 26.04.2018, the petitioner



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questioned the respondent and at that time, the respondent abused the petitioner in filthy language and caused criminal intimidation.

3. It is the further case of the petitioner that he lodged a complaint before the District Superintendent of Police, Dindigul on 04.05.2018 who in turn forwarded the same to the Guzilamparai police station and on that basis, F.I.R., came to be registered in Cr.No.178 of 2018 on 17.07.2018, that the Sub-Inspector of Police, Guzilamparai police has filed a negative final report as mistake of fact, that the jurisdictional Court, taking the said negative charge sheet in Crl.M.P.No.6709 of 2018 called for objections from the petitioner, that the petitioner has entered into appearance through his Counsel on 09.02.2019 and got time for filing objections, that since the petitioner due to the mental agony caused by the respondent, was not in a position to decide anything and since he absented himself before the concerned Court, the final report was accepted, that when the petitioner met the respondent accidentally on 08.07.2022 at Dindigul, the respondent informed him that the petitioner's complaint came to be dismissed and insulted him, that Guzilamparai police without conducting proper enquiry and without considering the evidence given by the complainant's side, has filed the final report in support of the respondent, that the respondent



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has committed the offences punishable under Sections 294(b), 469 and 506(ii) I.P.C., and that therefore, the petitioner was constrained to file the above private complaint under Section 200 Cr.P.C.

4. The learned Magistrate, upon receipt of the private complaint under Section 200 Cr.P.c., has proceeded with the enquiry under Section 202 Cr.P.C. The learned Magistrate has recorded statements of the petitioner as well as one Nirmala Devi produced by the petitioner. The learned Magistrate, upon considering the complaint, statement of witnesses and other materials, passed the impugned order dated 24.02.2023, by holding that the petitioner has failed to show any prima facie case to proceed against the respondent, dismissed the complaint under Section 203 Cr.P.C. Challenging the dismissal, the present revision came to be filed.

5. It is not in dispute that on the basis of the complaint given by the petitioner, F.I.R., came to be registered in Cr.No.178 of 2018 against the respondent for the alleged offences 294(b), 469 and 506(ii) I.P.C., and after completing the investigation, Guzilamparai Police has filed the final report dated 27.10.2018 referring the complaint as mistake of fact. As rightly contended by



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the learned Counsel for the respondent, in the final report, Guzilamparai police has specifically observed that the petitioner has lodged a false complaint against the respondent. It is pertinent to note that though the petitioner in his complaint has alleged that when he inspected the School of the respondent, he found that the respondent was not on duty, but he had subscribed the signature in the attendance register.

6. As rightly contended by the learned counsel for the respondent, the jurisdictional police's investigation has specifically confirmed that the respondent was on casual leave on the inspection day, rendering the petitioner's claims about the respondent's signature and alleged warning patently false.

7. It is not in dispute that the learned Magistrate, upon receipt of the negative report, has sent a notice to the petitioner calling for his objections and that though the petitioner has entered into appearance through his Counsel and despite taking time, has not chosen to file any objections nor any protest petition and that therefore, the learned Magistrate, taking note of the non-filing of objections and the absence of the petitioner for subsequent hearings, has passed



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an order accepting the final report and thereby closing the F.I.R., as mistake of fact. Though the F.I.R., was closed as mistake of fact in the year 2019 itself, the petitioner has filed the present private complaint in September 2022 after the lapse of more than three years, but raising the very same allegations against the respondent. Although the petitioner and his witness, Nirmala Devi, alleged that the respondent morphed and circulated their photos, the learned Magistrate rightly observed that the petitioner failed to produce any evidence to substantiate this claim. Furthermore, the petitioner's allegation that the respondent threatened him with dire consequences on 26.04.2018 does not indicate a continuous threat to his life or an apprehension of ongoing danger.

8. The learned Counsel for the respondent would submit that several women teachers as well as the Headmistress have made complaints against the petitioner for causing sexual harassment to them, that though the Gender Sensitization and Internal Complaints Committee constituted under the provisions of the Gender Sensitization Act has given a report that the charges are not proved, the said report came to be set aside by this Court and remitted the matter back to the Committee, that the petitioner has filed several cases before



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this Court as well as other Courts against his own Education Department and the Government authorities and against the teachers and staffs working in the Government Schools and that the present complaint came to be lodged only to take revenge against the respondent, who had also lodged a complaint against the petitioner and that the above action of the petitioner would only amount to abuse of process of law.

9. In another revision in Crl.R.C.(MD)No.617 of 2023, this Court has held that the petitioner is guilty of abusing the process of Court and law.

10. Considering the complaint, the statement of witnesses and other materials, this Court has no hesitation to hold that the petitioner without any iota of basis, has filed the above private complaint and that the finding of the learned Magistrate that no prima facie case is made out against the petitioner and as such, the complaint is liable to be dismissed, is perfectly in order and the same cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.



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11. In the result, the Criminal Revision Case is dismissed.

04.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

The Additional District Munsif cum Judicial Magistrate
Court, Vendasandur, Dindigul District



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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