

Crl.O.P.No.18269 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.18269 of 2026

S.Diwakar

.. Petitioner

Versus

The Deputy Commissioner of Police,
Flower Bazaar Police District,
B1 North Beach Police Station
Campus – Rajaji Salai,
Chennai – 1.

.. Respondent

Prayer : Criminal Original Petition filed under Sections 382, 482 of Criminal Procedure Code, directing the DC – Flower Bazaar Police District to first register the petitioner's letter complaint, dated 14.06.2026 based on his representation, dated 17.06.2026 as F.I.R under the relevant provisions of the Prevention of Corruption Act r/w Section 120B of the Indian Penal Code for all other offences committed on him and then to take actions by giving effect to the judgment, dated 21.09.2017 passed by a Division Bench of this Court in the petitioner's W.A.SR.No.76425 of 2016 case which has found a prima facie for actions.

For Petitioner : Mr.S.Diwakar, Party-in-person

For Respondent : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side)



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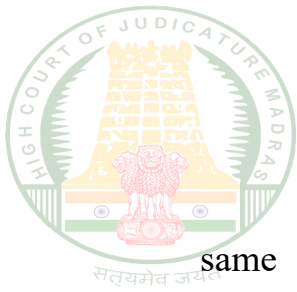
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ORDER

The objection of the Registry, in this case, is that most of the documents, annexed along with the typed set of papers, including the petition, are only hand written and not typed. Considering the extraordinary circumstances of the case, the submission made by the learned party-in-person that he had made a hand written petition, is accepted.

2. The main prayer in the Criminal Original Petition is to direct the respondent to first register the petitioner's letter complaint, dated 14.06.2026 based on his representation, dated 17.06.2026, as the First Information Report under the relevant provisions of the Prevention of Corruption Act read with Section 120B of the Indian Penal Code for all other offences, committed on the petitioner and then, to take action by giving effect to the judgment, dated 21.09.2017 passed by a Division Bench of this Court in petitioner's case in W.A.SR.No.76425 of 2016.

3. The learned party-in-person is a practicing member of the Bar. His case is, another member of the Bar, who was also practicing in the

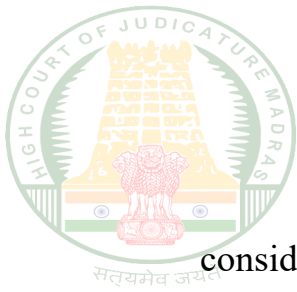


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same Court, consistently, practices illegality in collusion with some members of the Registry and have also mislead the Courts to pass illegal orders. Several illegalities were committed by way of corrupt cases. The Division Bench in its judgment in W.A.SR.No.76425 of 2016 (mentioned *supra*) has already found favour in the case of the petitioner. In respect of the same, no action has been taken and hence, the petitioner is before this Court.

4. The petitioner contends that he cannot be relegated to file a private complaint inasmuch as the earlier Division Bench judgment of this Court in ***G.Prabhakaran Vs. The Superintendent of Police, Thanjavur***¹ stands overruled by virtue of the subsequent pronouncements of the learned Single Judge of this Court in Crl.O.P.No.3488 of 2026. Therefore, this Court should direct registration of the case on the complaint of the petitioner. The learned party-in-person would also rely upon the order of this Court, dated 12.08.2024 in Crl.O.P.(MD)No.12239 of 2024. Further, by taking through the Division Bench judgment, more specifically, by placing reliance from paragraph No.3 onwards of the said judgment, he would submit that when the Division Bench has categorically

¹ (2018) 2 LW CrI. 489



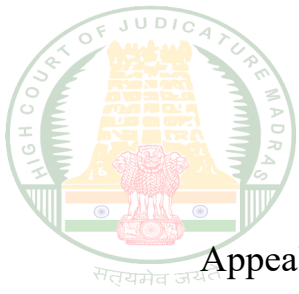
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considered merits of the case of the petitioner and ordered numbering of W.A.SR.No.76425 of 2016, there is no question of the respondent authorities denying the registration of the case.

5. I have considered the submissions made by the learned party-in-person.

6. The prayer is to register a case based on the petitioner's complaint, dated 14.06.2026 and representation, dated 17.06.2026. Upon referring to the said complaint, dated 14.06.2026, the petitioner makes reference to the earlier complaint, dated 09.04.2026. Upon considering the earlier complaint, dated 09.04.2026, it can be seen that it is made to the Assistant Commissioner of Police, Harbour Range, B-1 North Beach Police Station Campus. According to the petitioner, cognizable offences are made out by the said complaint and inspite of the complaint, no action has been taken. The course open to the petitioner is to follow the dictum as laid down by the Hon'ble Supreme Court of India in ***Lalita Kumari Vs. Government of Uttar Pradesh and Ors.***². The Division Bench relied upon by the petitioner, has only considered the issue relating to the said Writ

² (2014) 2 SCC 1



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Appeal and ultimately, ordered the Writ Appeal to be numbered. The operative portion contained in the Division Bench order is contained in paragraph Nos.5, 6 and 7 which are extracted hereunder for ready reference:-

“5. According to us neither are proper and necessary parties in the present proceedings. The reason, we have come to this conclusion, is that, W.A.SR.No.76425 of 2016, as indicated above, has been preferred against the order dated 03.10.2016. As adverted to above, the writ petition was directed against the Commissioner of Police and not against respondent Nos.2 and 3, i.e., the Registrar General of this Court and the Secretary, Bar Council of Tamil Nadu.

5.1. Insofar as the observations made in paragraph 3 of the impugned judgement are concerned, these are, in a sense, not vital to the decision reached by the learned Single Judge. The observations, are at best suggestive of the fact that in case the appellant were to misbehave with the staff in future, the concerned officer of the Registry would file a written report with the Registrar General and who, in turn would forward a complaint to the Bar Counsel of Tamil Nadu.

5.2. These observations, came in the background of, Mr.S.Parthasarathy, an officer of this Court, submitting a report to the roster Judge, when, asked as to how a defective writ petition had got numbered. It is in this connection that Mr.S.Parthasarathy had alluded to the misbehaviour of the appellant i.e. Mr.S.Diwakar, in his report. To be noted, an extract of Mr.S.Parthasarathy's report is set out in paragraph 2 of the impugned judgement dated 03.10.2016, passed by the learned Single Judge. Since, what is stated in paragraph 3 of the impugned judgement is anticipatory in nature, we are of the view that at this stage, there is no necessity of having respondent No.2 and 3 as parties in W.A.SR.No.76425 of 2016. We also note that the appellant i.e. Mr.S.Diwakar has not sought any relief by way of expunction of the observations made in paragraph No.3 of the impugned judgement.

6. Thus, having regard to the foregoing facts



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and circumstances, we are inclined to order deletion of respondent Nos.2 and 3, from the array of parties in W.A.SR.No.76425 of 2016. It is directed accordingly.

7. The Registry will, consequently, number W.A.SR.No.76425 of 2016 and place the same before the Court in the usual and ordinary course.”

7. In view thereof, it cannot be said that by virtue of the said Division Bench, this Court should pass orders directing registration of the case. Similarly, a perusal of the order of this Court, dated 13.02.2026 in Crl.O.P.No.3488 of 2026 is concerned, it is true that the said case is with the prayer to direct the respondent to register the F.I.R on the complaint of the petitioner, dated 11.08.2025. However, this Court recorded the submissions made by the learned Government Advocate (Criminal Side) that the said accused had cheated several persons in a similar manner and therefore, already, a case in Crime No.35 of 2026 is registered. Therefore, the case was accordingly ordered. Paragraph No.4 of the said order is extracted hereunder for ready reference:-

“4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the accused, by similar modus operandi, has cheated several other persons. On a complaint lodged by one Kirubakaran alleging that he was also cheated in a similar manner, a case in Crime No.35 of 2026 has been registered against the accused. He further submitted that the respondent police are proceeding with the investigation and that the petitioner has been summoned for enquiry and his statement has been recorded. He also submitted that the said Kirubakaran has also spoken about the manner in



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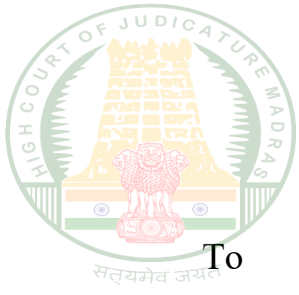
which the petitioner has also been cheated and the case is being registered and the petitioner will be arrayed as a victim/witness.”

8. Thus, the said judgment does not in any manner go contrary to the ratio laid down by the Division Bench in **G.Prabhakaran**'s case (stated *supra*). Therefore, if no action has been taken on the complaint of the petitioner, the further course open to the petitioner is categorically delineated by the Division Bench in **G.Prabhakaran** (cited *supra*) to make further representation to the superior authorities which also the petitioner has made in the instant case. Even if no action has been taken, it will be very much open to the petitioner to approach the Court of competent jurisdiction by way of a private complaint and this Court cannot entertain the prayer that is made.

9. Keeping open the liberty to the petitioner to approach the appropriate Court by way of a private complaint, this Criminal Original Petition stands disposed of.

13.07.2026

Neutral Citation : no
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To

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1. The Deputy Commissioner of Police,
Flower Bazaar Police District,
B1 North Beach Police Station
Campus – Rajaji Salai,
Chennai – 1.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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