

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.27162 of 2004
and
WMP.No.33054 of 2004

A.Subramanian ... Petitioner

Vs

1.The Deputy Registrar of
Cooperative Societies,
Tindivanam Region,
Tindivanam,
Villupuram District.

2.The Special Officer,
CL.Spl.130, Naganthoor Primary
Agricultural Cooperative Bank Ltd.
Ginjee Taluk,
Villupuram District.

3.The Inspector of Police,
CCIW CID
Villupuram,
Villupuram District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from proceeding with criminal action under Indian Penal Code instead of under Section 162 of the Tamil Nadu Co-operatives Societies Act, 1983 pursuant to the Enquiry Officer's report dated 02.04.2003 against the Petitioner.

For Petitioner : Mr.R.Krishnan

For Respondents 1 & 2 :Ms.T.Girija, GA

For Respondent 3 : Mrs.K.Bhuvaneswari, AGP

O R D E R

Heard Mr.R.Krishnan, learned counsel for the petitioner and Ms.T.Girija, learned Government Advocate, appearing for the respondents 1 & 2 as well as Mrs.K.Bhuvaneswari, learned Additional Government Pleader for the third respondent.

2.The grievance of the petitioner is that the respondents are attempting to proceed criminal action against him under Indian Penal Code instead of Section 162 of the Tamil Nadu Co-operatives Societies Act, 1983 and as such, sought for a direction forbearing the respondents proceeding against him from criminal action. Such a prayer cannot be maintained before this Court. If at all, the petitioner is of the view that criminal action cannot be initiated against him, it is always open to him to challenge such a criminal action in a manner known to law. Hence, the present prayer sought for by the petitioner in the Writ Petition is pre-mature.

3.In view of the foregoing reasons, the Writ Petition stands closed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jrs/DP

To

1.The Deputy Registrar of
Cooperative Societies,
Tindivanam Region,
Tindivanam,
Villupuram District.

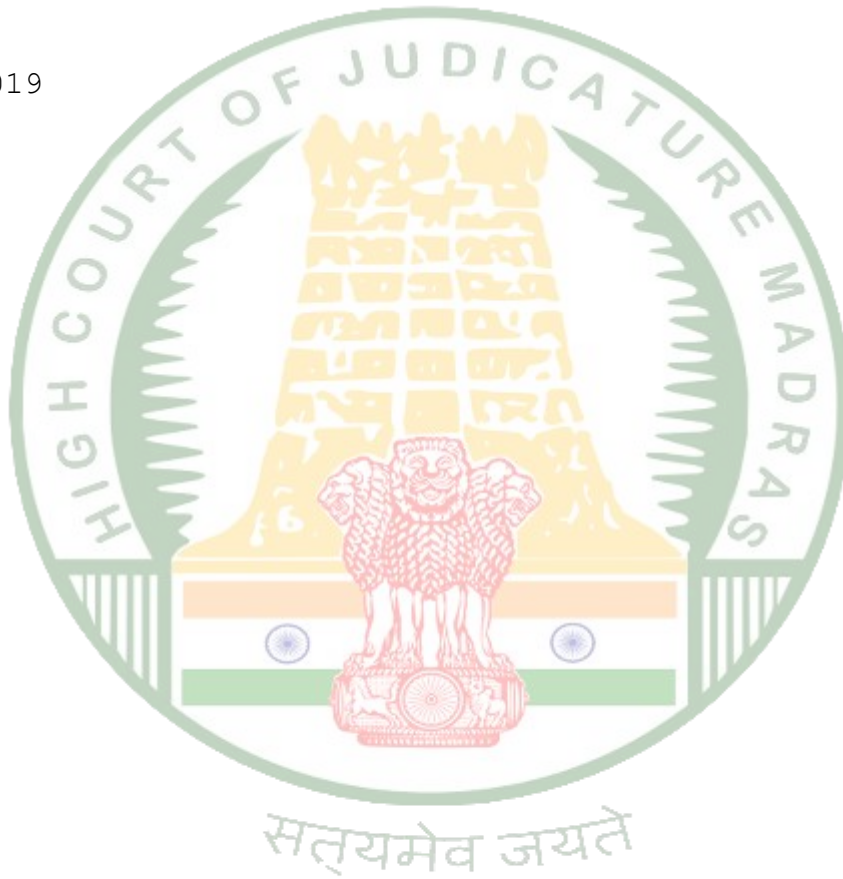
2.The Special Officer,
CL.Spl.130, Naganthoor Primary
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3.The Inspector of Police,
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+1cc to the Government Pleader Sr.34248

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srg 8/5/2019



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