



W.P.(MD) No.7557 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.7557 of 2019

and

W.M.P(MD)No.6026 of 2019

S.Nagarajan

.. Petitioner

Vs.

- 1.The Registrar,
Tamilnadu Co-Operative Societies,
No.170, N.V.Natarajan Maligia,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar of Co-Operative Societies,
Office of the Joint Registrar of Co-Operative Societies,
District Collectorate Campus at Treasury Building First Floor,
Ramanathapuram District,
Ramanathapuram-623 523.
- 3.The Deputy Registrar Of Co-Operative Societies,
Paramakudi Circle,
Near Ottappalam, Ilayangudi Road,
Paramakudi, Ramanathapuram District – 623 707.
- 4.The Enquiry Officer/Co-Operative
Sub Registrar Cum Field Officer,
Pogalur Block,
O/o. Deputy Registrar of Co-Operative Societies,
Near Ottappalam, Ilayangudi Road,
Paramakudi, Ramanathapuram District – 623 707.



W.P.(MD) No.7557 of 2019

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5. The President,
Q155 Kamankottai Primary
Agricultural Co-Operative Credit Society,
Kamankottai,
Ramanathapuram District – 623 527.

6. K. Raman

7. Ramesh Pandian .. Respondents

*(R6 & R7 are impleaded vide Court order, dated 14.12.2022 in
W.M.P(MD)No.3881 of 2021)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to initiate criminal proceedings under Section 409 of Indian Penal Code for the misappropriation in the 5th respondent society by considering the petitioner's representation dated 13.11.2018 and 10.01.2019.

For Petitioner : Mr.S.Balakarthick

For R1 – R4 : Mr.A.Kannan
Additional Government Pleader

For R5 : Mr.S.Pinaygash

For R6 : Mr.R.Shankar Ganesh



W.P.(MD) No.7557 of 2019

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ORDER

The above writ petition has been filed by the petitioner to direct initiation of criminal proceedings for misappropriation in the 5th respondent Society.

2. The Hon'ble Supreme Court in the judgment in a Three-Judge Bench, reported in **2020 (5) CTC 464 (M.Subramaniam & Others Vs. S.Janaki & Others)** has held that the High Court cannot direct registration of an F.I.R with a direction to the police to investigate. This power according to the learned Judges fell within the domain of the Magistrate concerned under Section 156(3) of Code of Criminal Procedure. The Hon'ble Division Bench of this Court in the judgment reported in **2018-2-L.W. (Crl.) 489 (G.Prabakaran Vs. The Superintendent of Police, Thanjavur District & Another)** has held that Section 482 of Code of Criminal Procedure cannot be invoked to direct registration of criminal complaint which falls within the jurisdiction of the Judicial Magistrate.



W.P.(MD) No.7557 of 2019

WEB COPY

3. In the light of the above, this Writ Petition is not maintainable and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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W.P.(MD) No.7557 of 2019

WEB COPY

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W.P.(MD) No.7557 of 2019

P.T.ASHA, J.

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