



W.A(MD) No.1263 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1263 of 2024
&
C.M.P.(MD)Nos.9744 & 9745 of 2024**

Kalantar Aasik Ahamadu

... Appellant / Petitioner

Vs

- 1.The State of Tamil Nadu
Rep. by its Home Secretary (Police),
Secretariat,
Chennai.
- 2.The Director General of Police,
DGP Office,
Beach Road,
Mylapore,
Chennai.
- 3.The Inspector General of Police,
South Zone,
Madurai,
Madurai District.
- 4.The Deputy Inspector General of Police,
Ramanathapuram Range,



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- Ramanathapuram,
Ramanathapuram District.
- 5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 6.The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.
- 7.Pugalendhi Ganesh
Formerly the Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District,
Presently serving,
at Chengalpattu,
Chengalpattu District.
- 8.Rajeshwari,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police,
Vigilance and Anticorruption Unit,
Ramanathapuram District.
- 9.Kalarani,
The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District,
Now Inspector of Police,
Ulagampatti,
Police Station, Sivagangai District.



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10.Jothimurugan
The Sub Inspector of Police,
Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

11.Saravanan,
The Sub Inspector of Police,
Thondi Police Station,
Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

12.Muruganandham,
Special Sub Inspector of Police,
Special Branch,
Tiruvadanai Sub Division,
Ramanathapuram District.

13.Subash Chandra Bose,
The Head Constable,
Thondi Police Station,
Ramanathapuram District,
Now Head Constable, P.E.W,
Ramanathapuram,
Ramanathapuram District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to call for records relating to the order dated 10.04.2024 in W.P.(MD)No.12669 of 2020 on the file of the Court and set aside the same and allow the writ appeal as prayed for.



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For Appellant : Mr.Henri Patrick Tiphange

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2.This writ appeal is directed against the order dated 10.04.2024 made in W.P.(MD)No.12669 of 2020. The appellant herein sought a direction to the respondents to accord sanction for prosecution. The writ petition was dismissed.

3. The question is whether the learned single Judge exercised criminal jurisdiction while dismissing the writ petition. This issue is no longer *res integra*.



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4. It has been held by the Hon'ble Supreme Court of India in the decision reported in ***AIR 2017 SC 1535 (Ram Kishan Fauji Vs. State of Haryana)*** that a criminal proceeding is ordinarily one which if carried to its conclusion may result in the imposition of sentences such as death, imprisonment, fine or forfeiture of property. If the learned single Judge directs the police to register an FIR if any cognizable offence is made out, it would be in exercise of criminal jurisdiction. In such cases, writ appeal is not maintainable under clause 15 of the letters patent. The Hon'ble Madras High Court in the decision reported in ***(2018) 2 MAD LW 111 (K.N.Pudur Primary Agricultural vs G.Balakrishnan)*** had held that when a power conferred under [Article 226](#) of the Constitution of India is invoked at the instance of a litigant with regard to any criminal matter, it is deemed to have been exercised by the Court under [Section 482](#) Cr.P.C.

5. One conclusion of the order granting sanction could be imposition of sentence. By declining to grant sanction, we hold that the learned single Judge had exercised criminal jurisdiction and that therefore, this writ appeal is not maintainable.



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6. The Writ Appeal is dismissed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
05.06.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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To

1.The Home Secretary (Police),
Secretariat,
Chennai.

2.The Director General of Police,
DGP Office,
Beach Road,
Mylapore,
Chennai.

3.The Inspector General of Police,
South Zone,
Madurai,
Madurai District.

4.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram,
Ramanathapuram District.

5.The Superintendent of Police,

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Ramanathapuram District,
Ramanathapuram.

6.The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.



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