



W.P.Crl.(MD)No.181 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.181 of 2025

Malarvizhi

... Petitioner

Vs.

- 1.The Director General of Police,
Law and Order, DGP Office,
Mylapore, Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 3.The Inspector of Police,
District Crime Branch (DCB)
Virudhunagar,
Virudhunagar District.
- 4.Karuppasamy
- 5.Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 2 to 3 to take necessary action against the respondents 4 and 5 on the petitioner's complaint dated 31.01.2024 as per the order passed in W.P.(MD)No.30916 of 2023, within stipulated time as fixed by this Court.



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For Petitioner : Mr.K.Malaimaran
For R1 to R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The petitioner has approached this Court seeking a direction to the first and second respondents to take action on her complaint dated 31.01.2024.

2.The learned counsel appearing for the petitioner submits that the petitioner's father borrowed a sum of Rs.39,00,000/- as a sale consideration for lands of the fourth respondent in the year 2022. On 26.08.2022, the fourth respondent has executed power of attorney in favour of the fifth respondent, however, the same was cancelled on 11.04.2023. The petitioner claims that her father died due to the conduct of the fourth and fifth respondents. Based on the complaint given by the petitioner's mother, a criminal case in Cr.No.121 of 2023 came to be registered on 07.10.2023 under Section 174 Cr.P.C. The



petitioner has lodged a complaint before the third respondent for taking action as against the fourth and fifth respondent on 11.10.2023. The petitioner has also filed a writ petition before this Court in WP.(MD)No.30916 of 2023 seeking a direction to the first and second respondents to take action on her father's complaint. The said writ petition was disposed of on 22.12.2023 by directing the petitioner to lodge a fresh complaint before the second respondent therein. According to the learned counsel for the petitioner, based on the direction of this Court dated 22.12.2023, the petitioner has lodged a fresh complaint dated 31.01.2024 and the same has not been considered by the respondent Police. Therefore, the petitioner filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submits that the petitioner's father has lodged a complaint on 03.10.2023. The petitioner has filed a writ petition in WP.(MD)No.30916 of 2023 seeking a direction to the first and second



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respondents to take action on her father's complaint and the same has been disposed of by this Court based on the submissions made by the respondent Police that they have closed the complaint of the petitioner's father that it is civil in nature. The relevant paragraph is extracted hereunder:-

2.The learned Additional Public Prosecutor would submit that on the basis of the complaint given by the petitioner, enquiry was undertaken in C.No.208 of 2023. During the course of enquiry, finding that it is a civil issue between the parties, it was closed on 18.11.2023, advising the parties to give a complaint before the The Inspector of Police, District Crime Branch, Virudhunagar.

3.Let the petitioner follow the above advise.

4.With the above said direction, this Writ Petition is disposed of. No costs.

Therefore, the petitioner has lodged another complaint dated 31.01.2024 and has also filed a writ petition in WP.(MD)No.10044 of 2024 seeking similar direction. The said writ petition was dismissed by this Court vide order dated 24.04.2024 as under:-



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The petitioner has lodged a complaint dated 31.01.2024 as against the respondents 3 and 4. Since the respondents 1 and 2 have not taken any action on the petitioner's complaint, she has filed this writ petition seeking a direction to the respondents 1 and 2 to take necessary action against the respondents 3 and 4, based on her complaint dated 31.01.2024.

2.If the respondent Police is not taking any action on the petitioner's complaint dated 31.01.2024, she is having an alternative remedy either before the concerned Superintendent of Police under Section 154(3) Cr.P.C. or before the concerned Judicial Magistrate Court under Section 156(3) Cr.P.C.

3.Therefore, this Writ Petition is dismissed with liberty to the petitioner to invoke the available alternative remedy as stated above. No costs.

However, without invoking an alternative remedy, the petitioner filed the present petition. Therefore, he prays to dismiss the present petition.



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4.This Court has considered the submissions made on either side and perused the available materials on record.

5.It appears that the petitioner has already filed similar writ petition in WP.(MD)No.10044 of 2024 and this Court dismissed the same, vide order dated 24.04.2024 with liberty to the petitioner to invoke the available alternative remedy. However, the petitioner without invoking the alternative remedies, filed the present petition and therefore, this Court is of the view that this petition has to be dismissed with cost. However, considering the manner in which the petitioner has been advised, this Court is not inclined to impose any cost. The petitioner has to workout her remedy in the manner known to law. Accordingly, this writ petition is dismissed. No costs.

17.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Madurai Bench of Madras High Court,
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B.PUGALENDHI, J.

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