



W.P.Crl.(MD)No.361 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.361 of 2025

M.K.G.Raja

... Petitioner

versus

1. The Commissioner of Police,
District Commissioner Office,
Tiruchirappalli City Police,
Trichy District.

2. The Inspector of Police,
Fort Police Station,
Trichy City Police.

3. A.Suresh

4. P.Siva @ Mohan @ Pattas Siva

... Respondents

Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 02.06.2025 to recover his article and money lotted and which is in illegal possession of the 3rd and 4th respondents.



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W.P.Crl.(MD)No.361 of 2025

For Petitioner : M/s.A.Zubaitha Banu
For R1 and R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For R3 and R4 : Mr.R.Rajaraman

ORDER

The petitioner has lodged a complaint before the respondent Police on 02.06.2025 that the private respondents 3 and 4 have taken away his articles from his shop, namely, MKG Traders and Rose Milk King. Now, the petitioner, with a grievance that his complaint dated 02.06.2025 has not been enquired by the respondent Police, has filed this writ petition seeking a direction to the respondent Police to register his complaint and to take action as against the respondents 3 and 4.

2. The learned Additional Public Prosecutor submits that the complaint of the petitioner was treated as petition enquiry in CSR No. 222 of 2025 and they have enquired the respondents 3 and 4 and found that the 3rd respondent is the owner of the building and he had entered into a lease agreement with the petitioner's wife. The petitioner's wife



had also vacated the building and handed over the possession to the 3rd respondent. However, the petitioner is having some dispute with his wife. Therefore, he lodged this complaint in order to harass his wife.

3. The learned counsel for the petitioner disputed the same and submits that the petitioner alone had entered into the agreement with the 3rd respondent.

4. Mr.R.Rajaraman, learned counsel takes notice for the 3rd and 4th respondents and submits that the petitioner is attempting to interfere with the possession of the 3rd respondent's property and therefore, the 3rd respondent has filed a suit as against the petitioner and the same is pending in O.S.No.630 of 2025 before the III Additional District Munsif Court, Trichy.

5. This Court considered the rival submissions made.



W.P.Crl.(MD)No.361 of 2025

6. The petitioner is having an efficacious and alternative remedy

under Section 175 BNSS. However, the petitioner, without exhausting the alternative remedy available to him, has approached this Court by filing this writ petition.

7. Therefore, this Writ Petition is dismissed with liberty to the petitioner to workout his remedy under Section 175 BNSS before the concerned Judicial Magistrate. No costs.

02.07.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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District Commissioner Office,
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W.P.Crl.(MD)No.361 of 2025

2. The Inspector of Police,
Fort Police Station,
Trichy City Police.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl.(MD)No.361 of 2025

B.PUGALENDHI, J.

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W.P.Crl.(MD)No.361 of 2025

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