



WP.Crl.(MD)No.854 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.12.2025

CORAM :

THE HONOURABLE MRS. JUSTICE N.MALA

WP.Crl.(MD)No.854 of 2025

E.Malathi

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep by its Inspector of Police,
Vigilance and Anticorruption Department,
Tirunelveli.
- 2.Seethalakshmi
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli.
- 3.Ramalakshmi
Constable of Police,
Manoor Police Station,
Tirunelveli.
- 4.Thiraviyam,
Constable of Police,
Thisayanvilai Police Station,
Tirunelveli.



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5.Perumal
Constable of Police,
Thisayanvilai Police Station,
Tirunelveli.

6.Vinoth,
Constable of Police,
Thisayanvilai Police Station,
Tirunelveli.

... Respondents

PRAYER: Writ Petition Criminal is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to conduct enquiry on the petitioner's complaint dated 05.07.2025 and take appropriate action against the private respondents herein within time frame stipulated by this Court.

For Petitioner : Mr.A.Arun Ramnath

For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This writ petition is filed for a writ of Mandamus directing the first respondent to conduct enquiry on the petitioner's complaint dated 05.07.2025 and take appropriate action against the private respondents herein.

2.The petitioner states that there has been a long standing enmity



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between the petitioner's family and one Kanagaraj's family. The petitioner lodged an FIR against the Kanagaraj family and therefore, the latter approached the petitioner to withdraw the criminal case. However, the petitioner refused to do so. In order to wreck vengeance against the petitioner's family, on 25.12.2024, the family members of Kanagaraj assaulted the petitioner's family, resulting in injuries to the petitioner's family members. The petitioner, therefore approached the Thisayanvilai Police Station to lodge a complaint against Kanagaraj family. To the shock and surprise of the petitioner, the 2nd respondent, in stead of registering a case against Kanagaraj family, registered falsely, an FIR against the petitioner and her family members. The petitioner further stated that on instructions from the 2nd respondent, the private respondents demanded bribe from the petitioner and her family. In order to avoid custodial torture, the petitioner was forced to pay the money. Since the private respondents committed offence under the Prevention of Corruption Act, the petitioner submitted a complaint on 05.07.2025 to the 1st respondent. Since no action was taken on the petitioner's complaint, the petitioner filed the above writ petition for the aforesaid



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3. The learned Additional Public Prosecutor, submitted that the writ petition is not maintainable since the petitioner has an alternate remedy under Section 175(3) of BNSS, before the jurisdictional court.

4. The learned Additional Public Prosecutor, in support of the aforesaid submission, relied on the order passed by this Court in WP.Crl.(MD)No.1925 of 2025 dated 31.10.2025.

5. Heard both sides and perused the materials available on record.

6. The facts are not disputed. The petitioner, aggrieved by the action of the private respondents, submitted a complaint on 05.07.2025, to the first respondent. Since no action was taken, the petitioner filed the above writ petition.

7.The learned Additional Public Prosecutor submitted that this Court, while considering similar issue in WP.Crl.(MD)No.1925 of 2025,



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relying on the judgment of the Hon'ble Supreme Court in the case of *Priyanka Srivastava and another Vs. State of U.P and others* reported in 2015(6) SCC 287, dismissed the petition on 31.10.2025, on the ground of availability of the alternate remedy.

8.As rightly contended by the learned Additional Public Prosecutor, if no action is taken on the petitioner's complaint, the petitioner is entitled to invoke Section 175[3] of BNSS before the jurisdictional Court, to have her complaint registered. Since the petitioner has an alternate, efficacious remedy under Section 175[3] of BNSS before the jurisdictional Court, this Court is not inclined to entertain this writ petition.

9.Accordingly, the writ petition is **dismissed**. Needless to say, the petitioner is at liberty to invoke Section 175[3] of BNSS, if so advised.

16.12.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To,

The Inspector of Police,
Vigilance and Anticorruption Department,
Tirunelveli.



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N.MALA., J.

Sn / AP

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