



W.P.Crl.(MD)No.2168 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.Crl.(MD)No.2168 of 2025

Ravindran

...Petitioner

Vs.

1.The Director,
Directorate of Vigilance and Anti-Corruption (DVAC),
Chennai-16.

2.The Superintendent of Police,
Southern Range,
Vigilance and Anti-Corruption (VAC),
Chennai-16.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent (DVAC) to conduct fair and proper enquiry in petition No. 10413/2025/EDN/TNI dated 12.08.2025, within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The Writ Petition has been filed invoking Article 226 of the Constitution seeking direction to the respondents to conduct fair and proper enquiry in petition No.10413/2025/EDN/TNI dated 12.08.2025, within a time stipulated by this Court.

2. The case of the writ petitioner is that as on November 2025, there are 300 + surplus teachers in Theni District, that the Government has passed G.O.Ms.No.165 dated 17.9.2019 based on the interim order passed by the Division Bench of this Court at Madurai in W.A.(MD) No. 76 of 2019 etc. cases (Batch), dated 09.4.2019, that the present District Educational Officer of Theni District, by violating the same, had mechanically approved direct appointment in aided school, which was filled up with payment of several lakhs of rupees, that therefore, the writ petitioner made a detailed complaint on 08.08.2025 and 29.09.2025 to the first respondent to initiate appropriate legal action and that since the complaint is pending from 12.08.2025 and there was no progress, the writ petitioner was constrained to approach this Court.



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3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that after receiving the petition of the writ petitioner, they sent a letter dated 17.10.2025 stating that the petition was received by the Directorate on 12.08.2025 and necessary action has been initiated as per law.

4. A cursory perusal of the averments in the writ petition and the prayer would only reveal that the writ petitioner has been indirectly seeking registration of criminal case. 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*** has held,

“24. Regard being had to the aforesaid enunciation of law, it needs to be reiterated that the learned Magistrate has to remain vigilant with regard to the allegations made and the nature of allegations and not to issue directions without proper application of mind. He has also to bear in mind that sending the matter would be conducive to justice and then he may pass the requisite order. The present is a case where the accused persons are serving in high positions in the bank. We are absolutely conscious that the position does not matter, for nobody is above law. But, the learned Magistrate should



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take note of the allegations in entirety, the date of incident and whether any cognizable case is remotely made out. It is also to be noted that when a borrower of the financial institution covered under the SARFAESI Act, invokes the jurisdiction under Section 156(3) Cr.P.C. and also there is a separate procedure under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, an attitude of more care, caution and circumspection has to be adhered to.

25. Issuing a direction stating "as per the application" to lodge an FIR creates a very unhealthy situation in the society and also reflects the erroneous approach of the learned Magistrate. It also encourages the unscrupulous and unprincipled litigants, like the respondent no.3, namely, Prakash Kumar Bajaj, to take adventurous steps with courts to bring the financial institutions on their knees. As the factual exposition would reveal, he had prosecuted the earlier authorities and after the matter is dealt with by the High Court in a writ petition recording a settlement, he does not withdraw the criminal case and waits for some kind of situation where he can take vengeance as if he is the emperor of all he surveys. It is interesting to note that during the tenure of the appellant No.1, who is presently occupying the position of Vice-President, neither the loan was taken,



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nor the default was made, nor any action under the SARFAESI Act was taken. However, the action under the SARFAESI Act was taken on the second time at the instance of the present appellant No.1. We are only stating about the devilish design of the respondent No.3 to harass the appellants with the sole intent to avoid the payment of loan. When a citizen avails a loan from a financial institution, it is his obligation to pay back and not play truant or for that matter play possum. As we have noticed, he has been able to do such adventurous acts as he has the embedded conviction that he will not be taken to task because an application under Section 156(3) Cr.P.C. is a simple application to the court for issue of a direction to the investigating agency. We have been apprised that a carbon copy of a document is filed to show the compliance of Section 154(3), indicating it has been sent to the Superintendent of police concerned.

26. At this stage it is seemly to state that power under Section 156(3) warrants application of judicial mind. A court of law is involved. It is not the police taking steps at the stage of Section 154 of the code. A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations



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takes this route to harass their fellows citizens, efforts are to be made to scuttle and curb the same.”

5. As per the scheme of B.N.S.S., if no action is taken by the higher officials, the writ petitioner has to invoke Section 175(3) B.N.S.S. before the jurisdictional Court. Since the writ petitioner is having effective alternative remedy, he is not entitled to invoke Article 226 of the Constitution and as such, the writ petition itself is not maintainable. Hence, this Writ Petition is dismissed as not maintainable. The writ petitioner is at liberty to take appropriate proceedings in the manner known to law. No costs.

21.11.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1.The Director,
Directorate of Vigilance and Anti-Corruption (DVAC),
Chennai-16.

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- 2.The Superintendent of Police,
Southern Range,
Vigilance and Anti-Corruption (VAC),
Chennai-16.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

Order made in
W.P.Crl.(MD)No.2168 of 2025

Dated : 21.11.2025