



WP.CrL.(MD).No.770/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.02.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

WP.CrL.(MD)No.770 of 2026

Sekar

... Petitioner

Vs.

- 1.The Director General,
Directorate of Vigilance & Prevention
of Corruption [DVAC]
Government of Tamil Nadu 600 028.
- 2.The Director General of Police
DGP Office, Kamaraj Road,
Mylapore, Chennai 600 004.
- 3.The Office of the Inspector General of Police [IG]
Madurai Zone [Southern Range]
NO.1, Race Course Colony, New Natham Road
Bibikulam, Madurai 625 002.
- 4.The Superintendent of Police
Palayamkottai, Tirunelveli District.
- 5.The Deputy Superintendent of Police
Anti Corruption & Vigilance Office
Masilamani Nagar/Shanthinagar Area
Near Central Jail, Palayankottai
Tirunelveli 627 005.



WP.Crl.(MD).No.770/2026

6.The Sub Inspector of Police
Panagudi Police Station, Pangudi
Tirunelveli District.

7.Vinukumar
Sub Inspector of Police
Pangudi Police Station, Panagudi
Tirunelveli District.

... Respondents

Prayer: Writ petition [Criminal] filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the 1st to 5th respondents to take proper and effective action on the basis of the complaint of the petitioner dated 21.01.2026, under the relevant provisions of the Prevention of Corruption Act, as against the erring official namely the 7th respondent, and direct the 2nd to 5th respondents to render support to the 1st respondent so that the 1st respondent can complete action process within a time frame, by considering the representation of the petitioner dated 21.01.2026 as may be fixed by this Court.

For Petitioner	: Mr.G.Aravinthan for M/s.Aran Legal Consultancy
For R1 to R7	: Mr.B.Nambi Selvan Additional Public Prosecutor

ORDER

(1)This writ petition is filed by the petitioner for a writ of mandamus to direct the 1st respondent to initiate action against the 7th respondent, by considering the



WP.Crl.(MD).No.770/2026

petitioner's representation dated 21.01.2026.

(2)The petitioner states that one Sivan, Paramasivan, Ramar and Esakkimuthu, on 13.06.2025 at about 11.30 p.m., demolished the temple belonging to the petitioner's Trust, thereby preventing the public from worshipping. The petitioner further states that though a case was registered on the basis of the complaint given, in Crime No.583/2025, by the Panagudi Police Station, for the offences u/s. 329[3], 296[b], 351[2] of BNS and under Section 3 of TNPPDL Act, the 7th respondent, being the Sub Inspector of Police, failed to arrest the accused persons, despite their application for anticipatory bail being dismissed by the Court below on 27.06.2025. In this regard, the petitioner submitted a representation on 21.01.2026. Since the respondents 1 to 6, did not take any action on his representation, the petitioner was constrained to file the above writ petition for the aforesaid relief.

(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 dated 28.01.2026, passed by this Court in WP.Crl.(MD)No. 430/2026.



WP.Crl.(MD).No.770/2026

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

(6) The facts are not disputed. This Court, while considering similar issue in WP.Crl.

(MD)No.430/2026, dismissed the petition on 28.01.2026, on the ground of availability of an alternate remedy. This Court relied on the judgment of the Hon'ble Supreme Court of India in **Priyanka Srivastava and another Vs. State of U.P and others** reported in 2015(6) SCC 287. The Hon'ble Supreme Court in the aforesaid judgment held as follows:

“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 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



WP.Crl.(MD).No.770/2026

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, 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



WP.Crl.(MD).No.770/2026

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

(7) From the aforesaid judgment of the Hon'ble Supreme Court and as rightly contended by the learned Additional Public Prosecutor, it is explicit that the petitioner has an alternative and efficacious remedy available to him under Section 175(3) of BNSS, before the jurisdictional Court to have his complaint registered. Since the petitioner has an alternative and efficacious remedy under Section 175(3) of BNSS before the jurisdictional court, this writ petition cannot be



WP.Crl.(MD).No.770/2026

entertained.

(8)In fine, this writ petition is dismissed. Needless to say, the petitioner is at liberty to invoke Section 175[3] of BNSS, if so advised. No costs.

12.02.2026

Internet : Yes/No

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WP.Crl.(MD).No.770/2026

N.MALA., J.

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WP.Crl.(MD)No.770 of 2026

12.02.2026