

W.P.Crl.(MD)No.2892 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2026

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.Crl.(MD) No.2892 of 2026

K.Jeyaprakash Narayanan

...Petitioners

Vs.

1.The State of Tamil Nadu Rep.by
The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
District Crime Branch,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct respondents 1 and 2 to take action on the petitioner's complaint dated 30.04.2026 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari Vs. Government of Uttar Pradesh & Ors reported in (2014) 2 SCC 1.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Sivasubramanian,
Counsel for State of Tamil Nadu (Crl.side)



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ORDER

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The present Writ Petition has been filed seeking Mandamus, directing the respondents 1 and 2 to take action on the petitioner's complaint dated 30.04.2026 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari Vs. Government of Uttar Pradesh & Ors reported in (2014) 2 SCC 1.

2.The case of the writ petitioner is that the writ petitioner purchased Plot Nos.61 and 62 measuring 11 cents through a registered sale deed dated 12.11.1981 and has been in uninterrupted possession and enjoyment of the property, that one S.Valarmathi in collusion with P.Vigneswaran and others attempted to grab the property by creating forged documents including a death certificate as if the writ petitioner had died on 15.03.2021 and a legal heir certificate showing S.Valarmathi as the daughter of the writ petitioner, that based on the said forged documents, attempts were made to alter the revenue and tax records, that the writ petitioner lodged complaints before the police authorities on 30.08.2025 and 03.04.2026, however, no effective action was taken, that thereafter S.Valarmathi executed a sale deed in favour of P.Vigneswaran on the strength of the forged documents and the same was



registered as Document No.154 of 2026 before the Joint-I Sub Registrar Office,

Thoothukudi, that the writ petitioner subsequently verified the official records and found that false particulars had been uploaded showing as if the writ petitioner had died at Bogalur Village Panchayat, though the writ petitioner had never resided there and that despite repeated complaints alleging offences of forgery, cheating and conspiracy, no effective action was initiated by the respondents and that therefore the writ petitioner has filed the present writ petition seeking appropriate action against the accused persons.

3.A cursory perusal of the averments in the writ petition 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



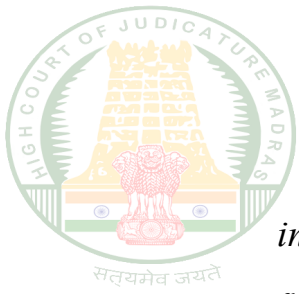
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absolutely conscious that the position does not matter, for nobody is above law. But, the learned Magistrate should take note of the allegations in entirety, the date of incident and whether any cognizable case is remotely made out. It is also to be 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 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



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

4.As per the scheme of B.N.S.S., if no action is taken by the jurisdictional police, the complainant has to approach the Superintendent of



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Police and even if no action is taken, he has to invoke Section 175(3) B.N.S.S.

(Section 156(3) Cr.P.C.) before the jurisdictional Magistrate. 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. The writ petitioner is at liberty to take appropriate proceedings in the manner known to law. Accordingly, this writ petition is disposed of. No costs.

27.05.2026

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

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
District Crime Branch,
Thoothukudi District.



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K.MURALI SHANKAR, J

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