



WP.Crl.(MD)No.14 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.01.2026

CORAM :

THE HONOURABLE MRS. JUSTICE N.MALA

WP.Crl.(MD)No.14 of 2026

Thavamani
Rep by her Power Agent,
S.Chirstopher

... Petitioner

vs.

1.The Director,
Directorate of Vigilance and Anticorruption(DVAC)
No.293, MKN Road,
Alandur,
Chennai – 600 016.

2.The Commissioner,
Tamil Nadu Vigilance Commission,
Chennai – 600 016.

3.The Superintendent of Police,
Southern Range,
Vigilance and Anticorruption Department,
Chennai – 600 016.

... Respondents



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PRAYER: Writ Petition Criminal is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to forthwith conduct an independent, proper and effective enquiry upon the petitioner's complaints dated 10.06.2025, 23.07.2025 and 28.10.2025 and to take appropriate action against all erring officials and private individuals involved in the fraudulent transactions in accordance with law.

For Petitioner : Mr.S.Raja

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

ORDER

This writ petition is filed for a writ of Mandamus directing the respondents to conduct an independent, proper and effective enquiry on the petitioner's complaints dated 10.06.2025, 23.07.2025 and 28.10.2025 and to take appropriate action against all erring officials and private individuals involved in the fraudulent transactions in accordance with law.



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2.The petitioner is the absolute owner and is in lawful possession of 43.5 cents of land in Adukam Village, Kodaikanal Taluk. The petitioner states that her husband purchased the said property under sale deed No.1179 of 1997 from a Power Agent. Thereafter, the petitioner's husband settled the property in favour of the petitioner vide Settlement Deed registered as Document No.1238 of 2009. The petitioner states that while so, the Power Agent in collusion with the Sub Registrar and Revenue Officials, fraudulently executed sale deed Document No.1475 of 1997, introduced fabricated survey numbers and false schedules, thereby enabling an illegal conveyance covering an inflated extent of 294.06 cents far beyond the authorised GPA extent. The petitioner states that based on the forged documents, fraudulent pattas and encumbrance entries were created by manipulating survey records, which directly prejudiced the petitioner's lawful title and possession. The petitioner states that on discovery of the aforesaid fraud during mutation proceedings in the year 2023, she approached the Crime Branch, Land Grabbing Cell, Dindigul. In respect of cognizable offences, no action



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was taken. The petitioner states that she also initiated criminal proceedings to protect her rights. The petitioner states that substantiating the petitioner's case, one of the co-purchasers in the impugned transactions categorically admitted before the criminal Court, that no consideration passed under the illegal transactions and that the transactions were effected by suppressing the limited scope of the GPA. The petitioner under the circumstances, lodged a detailed complaint before the Directorate of Vigilance and Anticorruption on 10.06.2025, 28.07.2025 and 28.10.2025, against the fraud committed by the public servants and the systematic manipulation of public records. However, the respondents merely forwarded the complaints without conducting any independent verification or enquiry. Under these circumstances, 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.



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The learned Additional Public Prosecutor relied on the judgment reported in 2015(6) SCC 287 in support of his submission.

4.Heard both sides. Perused the record.

5.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, 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



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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 instance of the present appellant No.1. We are only stating about the devilish design of the respondent



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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.”

6. In the light of the judgment of the Hon'ble Supreme Court of



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India, 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 his complaint registered. Since the petitioner has alternative and efficacious remedy under Section 175(3) of BNSS before the jurisdictional court, this writ petition cannot be entertained.

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

06.01.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sn

To,

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N.MALA., J.

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