



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**Cont.P.No.2567 of 2022 In
W.P.No.33916 of 2017**

High Court of Madras,
Chennai – 104

.... Applicant

Vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai 600 004.

2.Mr.Arun Sakthi Kumar,
Superintendent of Police
Tirunelveli District
Tirunelveli

3. Mr. Kumar
Deputy Superintendent of Police
Valliyoor
Tirunelveli District.

4. Mr. Stephen Jose
Inspector of Police
Panangudi Police Station
Tirunelveli District.

5.Mr. Vimal Kumar
Sub Inspector of Police
Pazhavor Police Station
Pazhavor
Tirunelveli District



6.Mr.Mohammed Samseer
Sub Inspector of Police
Pazhavor Police Station
Pazhavor
Tirunelveli District.

7.Mr. Chella Durai
Special Sub Inspector of Police(Special Wing)
Valliyoar
Tirunelveli District

8. Mr. Palani
Special Sub Inspector of Police
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.

9. Mr.Sagar,
Special Constable
Valliyoar
Tirunelveli District.

10.Mr.Jose
Special Constable
Valliyoar
Tirunelveli District.

.... Respondents

Prayer: Suo Motu Contempt Proceedings initiated against the
Contemnors herein as per order of the Hon'ble Court dated 14.11.2022
made in W.P.No.33916 of 2017 and W.M.P. No. 37619 of 2017.



For Petitioner
in W.P.No.33916
of 2017 : Mr.M.Radhakrishnan for
M/s.T.Fenn Walter Associates

For Respondents
1 & 2 : Mr.P.Kumaresan,
Additional Advocate General
assisted by
G.Krishnaraja,
Additional Government Pleader

For Respondent 5 : Mr. R. Narayanan

For Respondents
6 to 10 : Mr. G. Saravanan

ORDER

The learned counsel for the petitioner in W.P.No.33916 of 2017 made a submission that without even registering an FIR and under no authority of law, the police officials entered into the premises of the deceased during the midnight hours. Since the report of the Revenue Divisional Officer reveals the said fact, the police officials who committed such violations are liable to be punished.

2. The learned Additional Advocate General raised an objection by stating that such serious allegations are beyond the pale of doubt. Facts and circumstances of the case are also to be taken into consideration, since the law enforcing authorities on certain exceptional circumstances



have to initiate action to maintain law and order and to protect the interest of the public. All such mitigating factors are to be considered while taking decision.

3. However, in the present contempt petition, which was initiated suo motu by this Court on the basis of the report of the Judicial Magistrate concerned who recorded that the police authorities had violated the procedures as contemplated under the Code of Criminal Procedure and D.K.Basu's case, now that the principles laid down by the Apex Court in D.K.Basu's case are proposed to be revisited, the said matters are subjudiced. Thus, the petitioner in W.P.No.33916 of 2017 is at liberty to initiate all appropriate legal proceedings in the manner known to law.

4. With these observations, the contempt petition stands closed.

07.09.2023

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Index : Yes
Speaking Order



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S.M.SUBRAMANIAM, J.

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