



WEB COPY



CRL OP No. 11065 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 11065 of 2026 &
Crl.M.P.Nos.7830 and 7831 of 2026**

1. D.Sivakumar
S/o Dorai Raj,
No.432, New Law Chambers,
High Court Buildings,
Chennai.
2. D.Siva
S/o Dhandapani,
No.149/4, Krishnan Colony,
6th Avenue, Anna Nagar,
Chennai.

..Petitioner(s)

Vs

The Deputy Superintendent of Police
Central Bureau of Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to call for the records relating to the case in PRC.No.8 of 2010 pending on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner(s):

Mr.K.G.Senthilkumar

For Respondent(s):

Mr.K.Srinivasan
Special Public Prosecutor for CBI Cases



CRL OP No. 11065 of 2026

ORDER

WEB COPY

The present Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to call for the records relating to the case in PRC.No.8 of 2010 pending on the file of learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel appearing on either side and perused the entire materials available on record.

3. On an earlier occasion, the similarly placed persons as that of the petitioners sought to set aside the interim final report filed by the respondent therein in P.R.C.No.8 of 2010 pending on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, for the offences punishable under Sections 120-B, 147, 148, 149, 323, 325, 332, 333, 353, 436 & 450 IPC and Section 3(1) & 4 of Tamil Nadu Property (Prevention of Destruction & Loss) Act, 1992 before this Court in a batch of Criminal Original Petitions in Crl.O.P.Nos.5101 of 2019 and etc., batch and by an order dated 27.11.2025, this Court, quashed the entire proceedings in P.R.C.No.8 of 2010 against the petitioners therein. The relevant portion of the order passed in Crl.O.P.Nos.5101 of 2019 and etc., batch, dated 27.11.2025, reads as follows :-

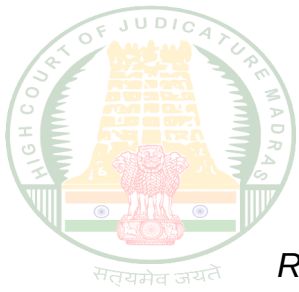


WEB COPY

"26.Be that as it may, from the perusal of the statement of witnesses it is seen that the witnesses can be broadly classified as Police Personnel, Advocates, Press Reporters, Media Persons, Doctors, the Registrars and Officials of the High Court. On perusal of the statement of witnesses, it is seen that the injured Advocates immediately rushed to various Hospitals, given treatment, incident widely covered both by print and visual media. The incident which happened on 19.02.2009 is an unprecedented one in the annals of Madras High Court.

27.After the assault on Advocates on 19.02.2009, a shockwave of fear, humiliation resonated entire legal fraternity. The impact was such that all the Courts closed and the doors of justice closed to the public. The High Court could resume the work on 25.02.2009 and City Civil Court and Small Causes Court could resume the work only on 02.03.2009. The District Courts also closed, but started working shortly. The closure of the temple of justice even for a shortwhile confirms now the legal fraternity was greatly affected due to the incident.

28.The Advocates are looked in the Society placing them in high pedestal for the reason that they are the saviours for the unheard, stifled voices meek persons, underprivileged and marginalized. The Advocates are vibrant group who espouse the cause of the public and they are conscious keepers fight for the rights of the citizen. The Advocates holding demonstrations, showing protest for the Tamil Elam cause was going on for some time and restrictive steps taken by the

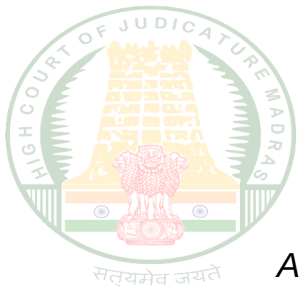


WEB COPY

Registry of this Court, thereafter Police force increased, entry through the gates restricted, which all infuriated the Advocates.

There were regular demonstrations, protest, agitations and show of force. The registering of several cases confirm that all was not well for quite some time. The Advocates, a politically vibrant group. On 17.02.2009 there was an incident showing protest and use of force by group of Advocates against Dr.Subramaniam Swamy. On that day, the Additional Director General of Police (Law and Order) sent a communication to the Registrar General and a meeting was called by the then Hon'ble Acting Chief Justice instructed the Police to take all steps under their command to ensure peace and safety to one and all inside the High Court campus. Following the instructions, the Police taken steps but the steps appears to be disproportionate. The arrest of one of the Advocate on 18.02.2009 and the visit of Dr.Subramaniam Swamy on 19.02.2009 further added to the combative situation and agitated Advocates exploded. There was wordy altercation, abuse, raining of bricks and stones and finally B4 High Court Police Station set fire and damaged. To bring the situation under control, Police used force. In the process, many Advocates got injured and vehicles damaged, added to it, now they are facing prosecution.

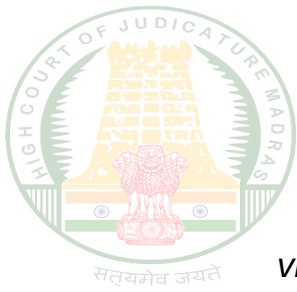
29.The contention of the Police is that the situation required needed use of force otherwise possibility of spilling over of violence to other places and further damage was imminent. The contention of the Advocates is that mobilizing of such huge force of unprecedented scale would prove, attack on



WEB COPY

Advocates are by the Police. Whatever may be justification by both Police and Advocates for their action and reaction, the gory incident cannot be justified. The imprint of the incident which happened on 19.02.2009 has now slowly rescinded. The 19th February 2009 was declared as 'Black Day'. Earlier there was complete boycott which is now pushed to oblivion and normal functioning of the Court continues without any obstacle and the Advocates are attending the Courts except for a symbolic protest.

30. The Advocates are the torch bearers to the society in safeguarding the fundamental rights and it is the only Profession which is given primacy in the Constitution of India. Our forefathers who fought for the independence mostly are Advocates/Lawyers. Even during the dark days in the history of Nation, it is the Advocates who stood up, who were in forefront fighting for justice, it is a thin line dividing show of protest, aggression and force. In this case, this thin line vanished on 19.02.2009 and violence broke. This excessiveness might be, by a few but it had affected the entire legal fraternity. The Police and the Advocates by Profession have some inherent friction between them due to nature of their duty and profession but this might not lead to a clash. In any event, clash erupted on 19.02.2009 cannot be justified. But now after all these years both of them buried their hatchet and have started moving forward. It is to be seen that in this case the identification of the persons who are facing prosecution are primarily based on the photographs published in media both



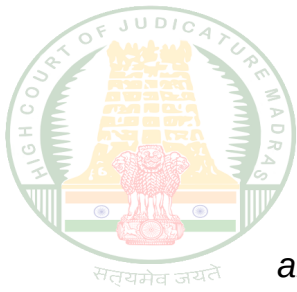
WEB COPY

visual and print. The identification done by Advocates, Police Personnel and media are persons all subjective. There is no reason or justification to confirm how they were able to put a name to the face, when most of the photographs found blurred. There is no certificate under the Information Technology Act. Further, no identification parade, with these inherent flaws, identifying petitioners Advocates becomes doubtful. Hence, the identification has no significance, the root of the case gets snapped and foundational facts become shaky and the structure bound to collapse. Further in this case neither the prosecution nor the affected persons facing prosecution are interested in continuing with the case. In this case, FIR registered in the year 2009, charge sheet filed in the year 2010, even after 15 years the trial is yet to commence. Thus, there is an inordinate delay. The Apex Court time and again held that right to speedy trial in all criminal prosecution is an inalienable right under Article 21 of the Constitution and quashed the proceedings.

31.The Hon'ble Apex Court in the case of *R.Muthukrishnan v. The Registrar General of the High Court of Judicature of Madras* reported in AIR 2019 SC 849 in paragraph No.57 held the disciplinary action taken against the Advocates in the aftermath of the agitation, which is as follows:

“57.In *Ex-Capt. Harish Uppal v. Union of India and Anr.* (supra) while holding that advocates have no right to go on 'strike', the Court observed:

20.It was expected that having known the well settled law

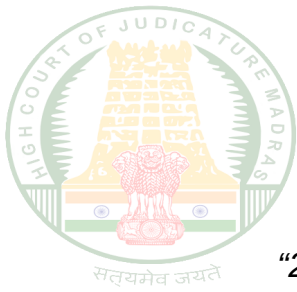


WEB COPY

and having seen that repeated strikes and boycotts have shaken the confidence of the public in the legal profession and affected the administration of justice, there would be self-regulation. The abovementioned interim order was passed in the hope that with self-restraint and self-regulation the lawyers would retrieve their profession from lost social respect. The hope has not fructified. Unfortunately, strikes and boycott calls are becoming a frequent spectacle. Strikes, boycott calls, and even unruly and unbecoming conduct are becoming a frequent spectacle . On the slightest pretense strikes and/or boycott calls are resorted to. The judicial system is being held to ransom. Administration of law and justice is threatened. The rule of law is undermined .

33. The only exception to the general rule set out above appears to be the item (III). We accept that in such cases a strong protest must be lodged. We remain Page No.49 of 59 of the view that strikes are illegal and that courts must now take a very serious view of strikes and calls for boycott. However, as stated above, lawyers are part and parcel of the system of administration of justice. A protest on an issue involving dignity, integrity, and independence of the Bar and judiciary, provided it does not exceed one day, may be overlooked by courts, who may turn a blind eye for that one day."

32. In paragraph No.63 (R.Muthukrishnan Case), the Hon'ble Apex Court referring to the decision of Mohit Chowdhary, Advocate, In Re reported in (2017) 16 SCC 78, had extracted the ethics of legal practice, which is as follows:

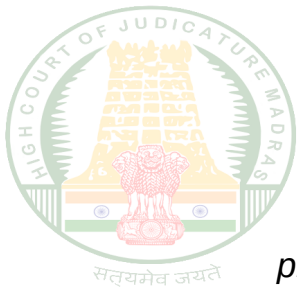


WEB COPY

“20.Warvelle's Legal Ethics, 2nd Edn. at p.182 sets out the obligation of a lawyer as: “A lawyer is under obligation to do nothing that shall detract from the dignity of the court, of which he is himself a sworn officer and assistant. He should at all times pay deferential respect to the Judge, and scrupulously observe the decorum of the courtroom”.

33.The Hon'ble Apex Court in Bar of Indian Lawyers v. D.K.Gandhi PS National Institute of Communicable Diseases and another reported in (2024) 8 SCC 430 held that “Legal profession being sui generis: The legal profession cannot be equated with any other traditional professions. It is not commercial in nature but is essentially a service oriented, noble profession. It cannot be gainsaid that the role of advocates is indispensable in the justice delivery system. An evolution of jurisprudence to keep our Constitution vibrant is possible only with the positive contribution of the advocates. The advocates are expected to be fearless and independent for protecting the rights of citizens, for upholding the Rule of Law and also for protecting the independence of judiciary.” and paragraph No.35 is extracted as follows:

“35.The legal profession is different from the other professions also for the reason that what the advocates do, affects not only an individual but the entire administration of justice, which is the foundation of the civilised society. It must be remembered that the legal profession is a solemn and serious profession. It has always been held in very high esteem because of the stellar role played by the stalwarts in the



WEB COPY

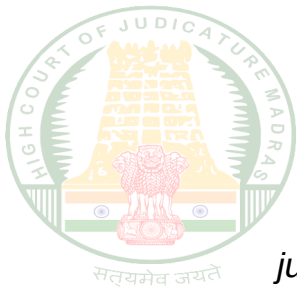
profession to strengthen the judicial system in the country.

Their services in making the judicial system efficient, effective and credible, and in creating a strong and impartial judiciary, which is one of the three pillars of the Democracy, could not be compared with the services rendered by other professionals. Therefore, having regard to the role, status and duties of the advocates as the professionals, we are of the opinion that the legal profession is sui generis i.e. unique in nature and cannot be compared with any other profession.”

34. Further, in paragraph No.32 of Bar of Indian Lawyers case, the Hon'ble Apex Court extracted R.Muthukrishnan case, which is as follows:

“32. This Court in R. Muthukrishnan v. High Court of Madras [R. Muthukrishnan v. High Court of Madras, (2019) 16 SCC 407 : (2020) 2 SCC (Civ) 502 : (2020) 2 SCC (Cri) 300], delineating the unique nature of the legal profession and of the services rendered by the lawyers, observed thus : (SCC pp. 424 26, paras 16-22)

“16. The legal profession cannot be equated with any other traditional professions. It is not commercial in nature and is a noble one considering the nature of duties to be performed and its impact on the society. The independence of the Bar and autonomy of the Bar Council has been ensured statutorily in order to preserve the very democracy itself and to ensure that judiciary remains strong. Where the Bar has not performed the duty independently and has become a sycophant that ultimately results in the denigrating of the judicial system and

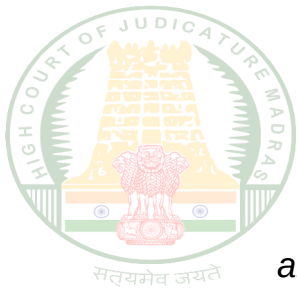


WEB COPY *judiciary itself. There cannot be existence of a strong judicial system without an independent Bar.*

17. It cannot be gainsaid that lawyers have contributed in the struggle for independence of the nation. They have helped in the framing of the Constitution of India and have helped the courts in evolving jurisprudence by doing hard labour and research work. The nobility of the legal system is to Page No.52 of 59 be ensured at all costs so that the Constitution remains vibrant and to expand its interpretation so as to meet new challenges.

18. It is basically the lawyers who bring the cause to the Court are supposed to protect the rights of individuals of equality and freedom as constitutionally envisaged and to ensure the country is governed by the rule of law. Considering the significance of the Bar in maintaining the rule of law, right to be treated equally and enforcement of various other fundamental rights, and to ensure that various institutions work within their parameters, its independence becomes imperative and cannot be compromised. The lawyers are supposed to be fearless and independent in the protection of rights of litigants. What lawyers are supposed to protect, is the legal system and procedure of law of deciding the cases.

19. Role of the Bar in the legal system is significant. The Bar is supposed to be the spokesperson for the judiciary as Judges do not speak. People listen to the great lawyers and people are inspired by their thoughts. They are remembered



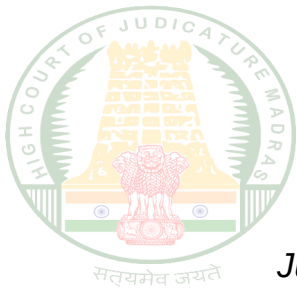
WEB COPY

and quoted with reverence. It is the duty of the Bar to protect honest Judges and not to ruin their reputation and at the same time to ensure that corrupt Judges are not spared. However, lawyers cannot go to the streets or go on strike except when democracy itself is in danger and the entire judicial system is at stake. In order to improve the system, they have to take recourse to the legally available methods by lodging complaint against corrupt Judges to the appropriate administrative authorities and not to level such allegation in the public. Corruption is intolerable in the judiciary.

20. The Bar is an integral part of the judicial administration. In order to ensure that judiciary remains an effective tool, it is absolutely necessary that the Bar and the Bench maintain dignity and decorum of each other. The mutual reverence is absolutely necessary. The Judges are to be respected by the Bar, they have in turn equally to respect the Bar, observance of mutual dignity, decorum of both is necessary and above all they have to maintain self-respect too.

21. It is the joint responsibility of the Bar and the Bench to ensure that equal justice is imparted to all and that nobody is deprived of justice due to economic reasons or social backwardness. The judgment rendered by a Judge is based upon the dint of hard work and quality of the arguments that are advanced before him by the lawyers. There is no room for arrogance either for a lawyer or for a Judge.

22. There is a fine balance between the Bar and the Bench that has to be maintained as the independence of the



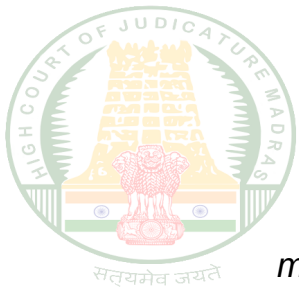
WEB COPY

Judges and judiciary is supreme. The independence of the Bar is on equal footing, it cannot be ignored and compromised and if lawyers have the fear of the judiciary or from elsewhere, that is not conducive to the effectiveness of the judiciary itself, that would be self destructive.” 35.From the above quote and observation, no doubt the Advocate profession is sui generis, it carries conduct, conviction and responsibilities not only to the client and Courts, but to citizens and mankind. It would be apposite to remind the importance given by framers of Constitution in Article 22(1) which is extracted hereunder:

“22.(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice .”

36.The legal practitioner is the only profession given primacy in the Constitution of India, thus Advocate plays an important and pivotal role in shaping and safeguarding the rights of every person in the society.

37.It would be apposite to extract paragraph No.603 as observed by the Full Bench of this Court in its order dated 29.10.2009 in W.P.No.3335 of 2009 etc. batch, which is as follows: “603.We have dealt with the issues, keeping in view the public interest, interest of the Police, interest of the lawyers and above all, interest of the Institution. Though, we have found fault with some of the officers, it should not be taken to



WEB COPY

mean that the whole Police Force is at fault. While we have found Page No.55 of 59 Crl.O.P.Nos.5101 of 2019 batch fault with certain Officers, in the same breath, we have also found fault with the lawyers for their continued boycotts and how it caused inconvenience to the public at large. We wish that Police and lawyers would bury their differences and rift in the interest of the public at large and in the interest of the Institution. Both the lawyers and Police, the two wings of the Institution should always work together for the administration of justice. Functioning of Courts and carrying on business of administration of justice depends upon the harmonious relation between the Police and lawyers. We wish that better counsel will prevail upon the Police and lawyers. We hope that Police and lawyers work hand in hand and promote better relationships. We also feel that it may be appropriate for the Police and lawyers to constitute their respective Committees both at State level/District level to resolve the differences in an amicable manner.” This observation is the reality which cannot be ignored.

38.In view of the above, the continuation of the case against the petitioners is nothing but whipping a dead horse. Taking the case as a whole based on the statement of witnesses and materials collected, it is suffice to say that it leads to a path of nowhere. Further the case is pending for 15 long years without any progress, is nothing but violative of fundamental right under Article 21 of the Constitution of India. Hence, this Court is inclined to quash the proceedings pending against the petitioners. Crl.O.P.Nos.5101 of 2019 batch



CRL OP No. 11065 of 2026

WEB COPY

39. In the result, the Criminal Original Petitions stand allowed and the proceedings in P.R.C.No.8 of 2010 is quashed against all the petitioners/accused. The petitioners are acquitted of all charges. Consequently, connected miscellaneous petitions are closed.”

5. In view of the above, the petitioners are also entitled for the same benefits. Consequently, the entire proceedings in P.R.C.No.8 of 2010 is quashed against the petitioners and the petitioners are acquitted of all charges.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

02-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssd

To

1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai

2. The Deputy Superintendent of Police
Central Bureau of Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai.

3. The Public Prosecutor,
High Court, Madras



WEB COPY



CRL OP No. 11065 of 2026

G.K.ILANTHIRAIYAN, J.

ssd

CRL OP No. 11065 of 2026

02-06-2026