

Ramesh Kumaran vs State Through The Inspector Of Police on 27 March, 2025

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Bench: Abhay S Oka

2025 INSC 405

Reportabl

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1318 OF 2025

Ramesh Kumaran & Anr.

... Appellants

versus

State

through the Inspector of Police & Anr. ... Respondents

J U D G M E N T

ABHAY S. OKA, J.

FACTUAL ASPECTS

1. This appeal arises out of a dispute between the first appellant and the second respondent who are both members of the Bar and practise before the Courts in Kodaikanal. The second appellant is the father of the first appellant. Two First Information Reports (for short, 'FIR') were registered as a result of a dispute between the first appellant and the second respondent. According to the appellants, on 18th December 2017, the second respondent and two other persons assaulted the Date: 2025.03.27 appellants. Therefore, FIR No.499 of 2017, which was the 16:52:55 IST Reason:

first FIR, was registered at the instance of the first appellant. It is alleged in the said FIR that at 4.45 pm on 18th December 2017, while the first appellant was walking near Kodaikanal Lake, the second respondent and two unidentified persons were drinking alcohol in a car. The allegation is that the said three persons assaulted the first appellant. Thereafter, the second respondent punched the first appellant on the nose with his right hand. The nose started bleeding. The first appellant has alleged in

the FIR that the fight arose from past animosity, as he had a verbal altercation with the second respondent in the Kodaikanal Court three years back. Accordingly, FIR No. 499 of 2017 was registered on 21st December 2017 at 8.30 pm alleging the commission of offences under Sections 294(b), 323 and 506(1) of the Indian Penal Code, 1860 (for short, 'IPC') against the second respondent and two other persons. According to the appellants, charge sheet has already been filed in the said case.

2. The present appeal relates to the second FIR, which is FIR No.500 of 2017, registered at the instance of the second respondent against the appellants. It related to the same incident and was also registered on 21 st December 2017, half an hour after FIR No.449 of 2017 was registered. The allegation made by the second respondent is that on 18th December 2017, while he was standing near Sterling Resort near the Kodaikanal Lake, the first appellant came there and abused him with filthy words and started verbally arguing with him. Thereafter, he called the second appellant on the phone, and both of them abused him with foul language. They also threatened him, stating that since he belonged to another city, he should leave this city or they would kill him. Therefore, FIR No. 500 of 2017 was registered at the instance of the second respondent for the offences punishable under Sections 294(b), 323 and 506(1) of the IPC. It appears that a closure report was filed by the police. Thereafter, the second respondent filed a protest petition on which cognizance was taken by the Judicial Magistrate at Kodaikanal on 1st October, 2019. Therefore, the appellants filed a petition before the High Court for quashing the criminal proceedings before the Judicial Magistrate at Kodaikanal. By the impugned judgment dated 29th September, 2023, the High Court has dismissed the petition.

3. When the SLP against the impugned judgment came up for hearing on 9th July 2024, this Court issued notice and stayed the criminal proceedings pending before the Judicial Magistrate, Kodaikanal. On 21 st October 2024, this Court passed the following order:

“None appears for the petitioners.

List on 29th November, 2024. We are of the view that as the prosecution arises out of a dispute between the two members of the Bar, it will be in the interest of both to settle the same amicably.

Interim relief granted earlier by this Court shall continue to operate.

Counter affidavit to be filed within a period of three weeks.”

4. Thereafter, on 18th December 2024, this Court passed an order directing the first appellant and second respondent to remain present before this Court through video conference on 27th January 2025. The order passed by this Court on 27th January 2025 reads thus:

“Learned counsel appearing for the second respondent, without prejudice to the rights of the said respondent, stated that the second respondent is willing to tender apology to the petitioners if the petitioners are willing to put an end to the entire

controversy in both criminal proceedings. Though learned counsel appearing for the petitioners has stated that petitioners are not willing, we are of the view that it is in their interests whether matter can be put to an end by way of amicable settlement. It will be appropriate if the petitioners have rethinking on the issue of settlement. The first petitioner is a member of the Bar. With a view to give the petitioners one more opportunity to rethink, list the petition on 17th February, 2025. If there is no possibility of the settlement, we take up the petition for hearing.”

5. In terms of the said order, the second respondent filed an affidavit of apology dated 27 th February 2025. On 3rd March 2025, when this Court suggested to the appellants, and in particular, the first appellant, who was present before this Court through video conference that both the FIRs can be quashed so that quietus can be given to the dispute between two members of the Bar, the first appellant was bold enough to threaten this Court that if the FIR filed by the appellants against the second respondent is quashed, he would commit suicide. The order dated 3rd March 2025 reads thus:

“Today in the morning when the Petition was called out, the first petitioner, who is a member of the Bar, appeared through video conference and stated that while quashing the offence against him, if the Court quashes the FIR registered by him against the second respondent, he will commit suicide. We are shocked to record such conduct on the part of a member of the Bar. Now, in the afternoon, the first petitioner appears and apologizes. However, the first petitioner must tender a written apology and an undertaking not to repeat such threats/submissions. We are not forcing the first petitioner to tender an apology in writing and to give assurance as stated above. But we make it clear that on his failure to do so, necessary consequences in accordance with law will follow. List the Petition on 7th March, 2025.”

6. Pursuant to the said order, the first appellant filed an affidavit of apology-cum-undertaking dated 6th March 2025.

SUBMISSIONS

7. The submission of the learned counsel appearing for the appellants is that the FIR registered at the instance of the second respondent, which is the subject matter of this appeal, is a counterblast to the FIR registered at the instance of the appellants against the second respondent. He submitted that apart from the second respondent, there were two other persons involved in the incident of assault on the first appellant. They attacked the first appellant causing him to suffer an injury. As a result, there was a bleeding from his nose. He submitted that considering the serious allegations made in the FIR registered against the second respondent and two other persons, the same cannot be quashed in this appeal as the second respondent has not applied for quashing. He submitted that the proceeding initiated by the second respondent is nothing but an abuse of the process of law, and therefore, the same deserves to be quashed.

8. The learned counsel for the second respondent urged that both the FIRs be quashed. He pointed out that the second respondent has taken a fair stand and has tendered an apology to the appellants on oath.

CONSIDERATION OF SUBMISSIONS

9. Both the first appellant and the second respondent are practising in the Courts at Kodaikanal and are members of the same Bar. The first appellant is a young lawyer. The cases based on cross FIRs are pending from the year 2017. A perusal of the FIR registered at the instance of the first appellant shows that it was registered at 8.30 pm on 21st December 2017 for the offences punishable under Sections 294(b), 323 and 506(1) of IPC. The FIR registered at the instance of the second respondent was registered at 9 pm on the same day. Therefore, the FIR registered at the instance of the first appellant is prior in point of time by 30 minutes. The offences alleged are the same in both the FIRs. There are allegations and counter-allegations by both parties.

Pursuant to the orders of this Court, the second respondent has filed an affidavit dated 27 th February 2025. The material portion of the affidavit (paragraphs 4 to 8) reads thus:

“4. That upon deep reflection and introspection, I deeply regret the unfortunate incident that occurred between myself and the complainant advocate, which led to the registration of the aforementioned FIRs.

5. That I hereby tender my sincere and unconditional apology to this Hon'ble Court, the Bar Council of Tamil Nadu, the Kodaikanal Bar Association, and the Petitioner advocate for my conduct.

6. That I acknowledge that as members of the legal fraternity, we are expected to uphold the highest standards of professional ethics and conduct, and to resolve our differences through civilized dialogue and legal means rather than through confrontation.

7. That I solemnly undertake to maintain cordial and professional relations with all members of the Bar, including the complainant advocate, and shall never engage in any behaviour that brings disrepute to the noble profession of law.

8. That this apology is being tendered voluntarily, unconditionally, and without any reservations whatsoever, with a genuine desire to amicably resolve the matter and- to ensure that the dignity and decorum of the legal profession is maintained.” (emphasis added)

10. Thus, the second respondent has tendered a sincere and unconditional apology not only to this Court, but also to the first appellant, the Bar Council of Tamil Nadu, and the Kodaikanal Bar Association.

11. We thought that the first appellant would reciprocate by showing grace and accept the apology tendered by the second respondent, who is his colleague in the legal profession. However, the first appellant did not do so and went to the extent of giving a threat to this Court that in case this Court quashes the FIR registered against the second respondent, he would commit suicide. This conduct amounts to interference with the administration of justice. It is contemptuous and unbecoming of a member of the Bar. However, the first appellant has filed an affidavit dated 6th March 2025 and in paragraphs 3 to 5 the first appellant has stated thus:

“3. In the above-mentioned case I was called on 3.03.2025 and I appear virtually and said "I will commit suicide if the lordships quashes the case against respondent" that upon deep reflection and rethinking, I deeply regret the choice of words used by me. I tender my sincere and unconditional apology to this Hon'ble Court for my conduct, I was emotional and with all sincerity had no intention to threaten the judges of suicide. I with all my heart beg to apologize me for this conduct. The lordships may with all greatness graciously accept my apology.

4. That I solemnly undertake to not to repeat this behavior anywhere before any court.

5. That I humbly request this Hon'ble Court to kindly accept my unconditional apology and to graciously pass the suitable order.” (emphasis added)

12. An attempt made all along by this Court was to bring about a settlement between the first appellant and the second respondent who are members of the Bar practising before the same Courts. The reason was that this Court felt that both of them, instead of fighting cases against each other, should contribute to the legal system by representing litigants before the Court. We felt that the pending cases may adversely affect the professional prospects of both the first appellant and the second respondent.

13. As this Court was willing to take a broad view and put an end to the dispute, which has been pending for more than seven years, the second respondent responded by tendering an unconditional apology to the first appellant. This Court was of the view that if ultimately both the cases go for trial, it will lead to more animosity between the first appellant and the second respondent. Pursuant to the appeal made by this Court, the second respondent took a reasonable stand and tendered an unconditional apology. However, notwithstanding the best efforts made by the first appellant's own learned counsel, the first appellant did not understand the importance of settling the dispute rather than aggravating it. He went to the extent of giving a threat to this Court. In normal course, such threats must be taken very seriously by the Courts. Action for criminal contempt against the person giving such a threat must be initiated, which should be taken to its logical end, especially when the first appellant is a member of the Bar.

14. However, we believe that if magnanimity is to be shown by someone, the same should be done by the persons holding the highest constitutional office. Moreover, the first appellant has shown some repentance by tendering an unconditional apology and by giving an undertaking not to repeat such

misconduct. In view of this apology and in the peculiar facts of this case, we deem it proper not to initiate any action against the first appellant.

15. There are cases and cases which come before the courts where we find that the litigants are not in a position to understand what is in their best interest. Even if the litigants do not understand what is in their best interest, it is the duty of the Court to deliver substantial justice.

16. It appears that the incident arose due to some history of animosity between the second respondent and the first appellant. Even assuming that the first appellant has sustained an injury to his nose, the second respondent, for his alleged acts, has tendered an unconditional apology on oath and undertaken to maintain a cordial relationship with the appellant. The second respondent has expressed that he has no objection to quashing the FIR registered by him. Considering these peculiar facts, we are of the view that it is in the personal and professional interests of both parties that the proceedings based on the FIRs should be quashed. We hope and trust that with this order, the past animosity between the first appellant and the second respondent will come to a happy end.

17. Therefore, in the exercise of our jurisdiction under Article 142 of the Constitution of India, we pass the following order:

a. FIR No. 500 of 2017 registered at the Kodaikanal Police Station at the instance of the second respondent and proceedings of the case bearing STC No 607 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal are hereby quashed;

b. FIR No.499 of 2017, registered at Police Station Kodaikanal, is hereby quashed only as against the second respondent. Consequently, the proceedings of C.C.No.106 of 2022 pending before the Judicial Magistrate Court No.II, Kodaikanal is hereby quashed only as against the second respondent;

c. The apology and undertakings of both the first appellant and the second respondent which we have referred to above are taken on record; and, d. The appeal is allowed on the above terms.

.....J. (Abhay S Oka)J. (Ujjal Bhuyan) New Delhi;

March 27, 2025.