



WEB COPY

LPA NOS. 41 and 42 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

L.P.A Nos. 41 and 42 of 2025

and C.M.P.Nos.19360 and 19362 of 2025

L.P.A.No.41 of 2025

S.Sunil
S/o. Soundara Pandian, No.3/3071-4, Meenatchi Nagar,
Pattinamkathan, Ramanthapuram-625 503

Appellant(s)

Vs.

1.SENTHAMARAI
W/o. Duraisamy, Dr.Ambedkar Street, Vannur Village and Taluk,
Villupuram-605 109

2. The Superintendent of Police
O/o.Superintendent of Police, Villupuram-605 602

3. The Deputy Superintendent of Police
Kottakuppam Sub Division, Villupuram District, Theni

4. The Inspector of Police
Vanur Police Station, Villupuram

Respondent(s)

For Appellant(s): Mr.Suhrith Parthasarthy - LPA No.41/2025
Mr.E.Raj Thilak, APP - LPA No.42/2025

For Respondent(s): Mr.S.Sathiachandran
in LPA No.41/2025 for Mr.D.Ashok Kumar - R1
Mr.E.Raj Thilak, APP - R2 to R4

in LPA No.42/2025 Mr.S.Sathiachandran
for Mr.D.Ashok Kumar



ORDER



M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

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The order of the learned Single Judge passed in Crl.O.P.No.18585 of 2025 in paragraph Nos.12(a) and 12(c), dated 14.07.2025, in exercise of powers under Section 528 B.N.S.S, is put under challenge in the above Letters Patent Appeals.

2. In the impugned paragraphs before us, we find that the learned Single Judge may not have exercised criminal jurisdiction while exercising his powers under Section 528 B.N.S.S., directing the Director General of Police, Tamil Nadu. to place Mr.S.Sunil, Deputy Superintendent of Police, the appellant in L.P.A.No.41 of 2025 under suspension with a further direction for disciplinary proceedings, etc. Such a ratio has also been taken by a Coordinate Bench of this Court in ***K.Natrajan Vs. Kadekdwi Ani Rasmini and Ors.*** in C.M.P.No.2614 of 2020 in W.A.SR.No.140650 of 2019, wherein the decision of the Hon'ble Supreme Court in ***Ram Kishan Fauji Vs. State of Haryana & Ors.*** reported in ***(2017) 5 SCC Page 53*** has been distinguished.

3. These aspects could be deliberated at a later stage. However, in view of the *prima facie* case made out, there shall be an order of interim stay, insofar as it relates to paragraphs 12(a) and 12(c) of the order passed in Crl.O.P.No.18585 of 2025 dated 14.07.2025, pending disposal of these Letters Patent Appeals.

4. Call the matter on 21.08.2025.



(M.S.RAMESH, J.) (V.LAKSHMINARAYANAN, J.)



To
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1. The Director General of Police, Post Box No.601, Dr.Radhakrishnan
Salai, Mylapore, Chennai 600 004

2. The Superintendent of Police
O/o.Superintendent of Police, Villupuram-605 602

3. The Deputy Superintendent of Police
Kottakuppam Sub Division, Villupuram District, Theni

4. The Inspector of Police
Vanur Police Station, Villupuram