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DELHI POLICE ACADEMY



SUPREME COURT OF INDIA

SATISH KUMAR RAVI..... Petitioner(s)
VERSUS
THE STATE OF JHARKHAND..... Respondent(s)

Charge Sheet Can't Be Filed When There Is Interim Order Restraining Coercive Action Against Accused: Supreme Court

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Petition(s) for Special Leave to Appeal (Crl.) No(s). 9859/2023

Date of Judgement: 29/11/2024

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(Order dated 01/10/2024)

(Order dated 29/11/2024)

Facts of the Case:

This case pertains to a criminal matter arising from an FIR registered in 2014 (FIR No. 235/2014) at the Lower Bazar Police Station, Ranchi, Jharkhand, implicating the petitioner, Satish Kumar Ravi.

The case arose from a landlord-tenant dispute where the tenant (wife of a senior police officer) filed an FIR against her landlord's family. The FIR included allegations of forced entry, property damage, and physical assault. The landlord (petitioner) contended that the tenant filed the case in retaliation after an eviction process had been initiated. He challenged the proceedings before the High Court of Jharkhand in 2017 (Cr.M.P. No. 325/2017) and requested the quashing of the First Information Report and the entire criminal proceeding, in connection with the said FIR. The Hon'ble High Court granted interim relief restraining the State from taking coercive action against him. This protection remained in effect until the High Court dismissed his petition on May 19, 2023. Subsequently, the petitioner approached the Supreme Court through a Special Leave Petition (SLP No. 9859/2023), and on August 18, 2023, the Supreme Court issued an interim order restraining any further action in connection with the FIR. Despite this clear directive, the Jharkhand Police

filed a charge-sheet on September 30, 2023, which referenced the Supreme Court's order, indicating awareness of the prohibition. Furthermore, the State admitted to issuing public notices against the petitioner on April 28, 2023, and July 11, 2023, even while the High Court's interim protection was in force. The Hon'ble Supreme Court took serious note of these actions and issued contempt notices to the responsible police officers.

Issues Advanced:

1. Can charge-sheet be filed in a case when there is an interim order of the competent Court restraining coercive action against the accused?

The Supreme Court, in addressing the alleged non-compliance of its interim order dated 18th August 2023, took serious note of the filing of a charge-sheet by the Jharkhand Police on 30th September 2023, which explicitly acknowledged the interim protection granted to the petitioner against any coercive action. The Court viewed this act as a prima facie willful violation of its directive.

The Hon'ble Supreme Court vide **order dated 01/10/2024** considered the counter affidavit filed on behalf of the first respondent (State of Jharkhand) which is affirmed by Deputy Superintendent of Police, City Ranchi, Jharkhand. The Court observed that the affidavit unveiled a remarkably brazen act by the Police Department of the State of Jharkhand.

The relevant paras of the **order dated 01/10/2024** are reproduced as under:

Para 3: On 30th September, 2023, a charge-sheet was filed against the petitioner which was signed by Shri Dayanand Kumar, Station House Officer and Shri Tarkeshwar Prasad Kesari, Investigating Officer. Shockingly, the charge-sheet refers to the interim order

passed by this Court. An officer of the level of the Deputy Superintendent of Police has filed the counter affidavit claiming that the chargesheet has been filed on 30th September, 2023. **Filing of the chargesheet and justifying the filing of the charge-sheet is prima facie, a wilful breach of the interim order dated 18th August, 2023 passed by this Court**. The matter does not rest here.

Para 4. On 4th April 2017, an interim order was passed by the High Court of Jharkhand in Cr.M.P. No.325/2017 in which the impugned order has been passed. **By the said interim order, the High Court directed the State not take coercive steps against the petitioner in connection with the FIR subject matter of this Special Leave Petition. That order continued to operate till the date of passing of the impugned order i.e., 19th May, 2023. The counter affidavit filed by the Deputy Superintendent of Police records that two notices/advertisements against the petitioner were published in the daily newspapers on 28th April, 2023 and 11th July, 2023 respectively. This action was taken pursuant to an order dated 10th April, 2023 of the Trial Court. Even this act is prima facie contemptuous…….**

With the above observations, the Hon'ble Supreme Court issued notice of contempt to the responsible police officers.

Subsequently, the concerned police officers submitted their affidavits and tendered apologies.

The Hon'ble Supreme Court **Vide order dated 29/11/2024**, examined the affidavits of the concerned Police officers. **The officers acknowledged receiving the Court's order prohibiting further action against the petitioner but interpreted it merely as a restriction on coercive measures. In justifying their subsequent filing of the charge sheet, they cited an April 15, 2011 circular from the Additional Director General of Police, Jharkhand, which advised state police officers that court orders**

restraining coercive action did not preclude the filing of charge sheets against accused persons. The Hon'ble Supreme Court explicitly rejected this interpretation, declaring the ADGP's guidance "completely illegal" and clarifying that its order prohibiting "further action" encompassed all proceedings, including filing of charge sheets.

The Hon'ble court observed that if a charge sheet is filed by relying upon para 3 of the letter dated 15th April, 2011 against an accused in whose favour there is an order directing not to take coercive action, the concerned officer will expose himself to contempt jurisdiction.

The Hon'ble Supreme Court held that the contents of paragraph 3 of the April 15, 2011 letter issued by the ADGP-Jharkhand were completely illegal. The Court directed State counsel to bring its observations to the attention of the Additional Director General of Police, with the expectation that the ADGP would immediately modify the said letter.

Accepting the apologies tendered by the officers, the Court stated that no further action was required against them. Accordingly, the contempt notices were discharged.