



IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) No.706 OF 2025

MATHEWS J. NEDUMPARA & ORS.

... PETITIONERS

VS.

SUPREME COURT OF INDIA & ORS.

... RESPONDENTS

J U D G M E N T

DIPANKAR DATTA, J.

1. This writ petition under Article 32 of the Constitution of India is at the instance of 4 (four) petitioners. The first three are advocates while the fourth is a chartered accountant.

2. The petitioners have prayed for a writ, order or direction to the respondents/Delhi Police to register a First Information Report¹ and cause an effective and meaningful investigation into the incident of fire and recovery of burnt currency notes from the residence of a Judge of the Delhi High Court; in the alternative, to direct the Police/Union Government to seek permission of the Chief Justice of India for

¹ FIR

registration of an FIR. Couple of other reliefs have also been claimed in the writ petition on similar lines.

3. The primary contention urged by the first petitioner, who appeared in person for himself and on behalf of the other petitioners, is that the decision of a Constitution Bench of this Court in ***K. Veeraswami vs. Union of India***² is contrary to law and hence is not required to be followed by the Police. It has, *inter alia*, been held in such decision as under:

“60. ... We, therefore, direct that no criminal case shall be registered under Section 154, Cr. PC against a Judge of the High Court, Chief Justice of High Court or Judge of the Supreme Court unless the Chief Justice of India is consulted in the matter. ...”

4. The first petitioner has contended that the above observation in ***K. Veeraswami*** (supra) places an unnecessary fetter on the exercise of power by the Police to register an FIR, once it has information of a cognisable offence having been committed, in terms of the applicable law (Bharatiya Nagarik Suraksha Sanhita, 2023); and, since the aforesaid observation in ***K. Veeraswami*** (supra) is contrary to the law of the land enacted by the Parliament, the same is *per incuriam* and may be declared as such.

5. This appears to be the third occasion for the petitioners to approach the writ court, more or less voicing similar grievance.

² (1991) 3 SCC 655

6. The first writ petition³ was disposed of on 28th March, 2025 with the following order:

“Heard the first petitioner appearing in person.

As far as the grievance regarding the third respondent is concerned, as can be seen from the website of this Court, an in-house procedure has been adopted as directed by Hon’ble the Chief Justice of India. The inquiry pursuant to the in-house procedure is in progress. After the report is submitted by the Committee, there will be several options open for Hon’ble the Chief Justice of India.

Therefore, at this stage, it will not be appropriate to entertain this Writ Petition. There are wider prayers for reading down some of the decisions of this Court.

At this stage, according to us, it is not necessary to go into that aspect.

Subject to what is observed above, the Writ Petition is disposed of.

Pending application, if any, also stands disposed of.”

7. The second writ petition⁴ seeking registration of an FIR was disposed of on 21st May, 2025 with the following observation:

“Application seeking permission to appear and argue in person is allowed.

Heard Shri Mathews J. Nedumpara, the first petitioner appearing in person.

Essentially the grievance in the Writ Petition is that no action has been initiated against the third respondent on the basis of the allegations made against him and on the basis of the report of the In-House Inquiry Committee. The Press Release issued by this Court on 8th May, 2025 records that the Hon’ble Chief Justice of India has forwarded the report of the In-House Inquiry Committee along with the response of the third respondent to the Hon’ble President of India and the Hon’ble

³ W.P. (Civil) Diary No.15529 of 2025

⁴ W.P. (Civil) No. 534 of 2025

Prime Minister of India. Before the petitioners seek a writ of mandamus, the petitioners will have to seek redressal of their grievance by filing a representation before the appropriate authorities. The petitioners have not done so. Therefore, we decline to entertain this Writ Petition. At this stage, it is not necessary to look into the other prayers.

Subject to what is observed above, the Writ Petition is disposed of.

Pending application(s), if any, shall stand disposed of accordingly.”

(emphasis ours)

8. A bare reading of paragraph E under the heading ‘FOUNDATIONS’ of this writ petition, the third in the series, reveals that the petitioners have stated as follows:

“E. Therefore, from the pure point of view of jurisprudence, there is no need to refer the issue presented by K. Veeraswami to a larger bench. But the practice in vogue being to refer to a larger bench even when a judgment/precedent is contrary to statute, the Petitioners pleaded that K. Veeraswami be referred for reconsideration by a larger bench. But that plea, too, was not considered. Leaving the Petitioners with no option that to institute the present petition, because as anticipated, the Government and the police have not acted upon the representations of the Petitioners dated 26.05.2025 seeking registration of an FIR preferred in furtherance of the judgment of this Court dated 21.05.2025 in W.P.(C) No.534/2025.”

(emphasis ours)

9. In course of hearing, we called upon the first petitioner to show what exactly did the petitioners say in their representation dated 26th May, 2025 addressed to the Government and the Police seeking registration of an FIR which, according to them, they had preferred in furtherance of the order of this Court dated 21st May, 2025 in W.P.(C) No.534/2025.

10. Despite our repeated queries, neither could the first petitioner invite our attention to any representation dated 26th May, 2025 claimed to have been made by the petitioners to the Government and the Police, nor could he place before us the so-called representation.

11. If indeed any such representation had been made, as claimed, it should have formed part of the writ petition having regard to the decision of this Court in ***Bharat Singh v. State of Haryana***⁵.

12. We have, thus, no hesitation to conclude that the petitioners never approached the Police with any representation seeking registration of an FIR, far less the representation dated 26th May, 2025, despite liberty granted by this Court earlier.

13. On these twin grounds of abuse of the process of law as well as this Court and making of an incorrect statement on oath by the petitioners that we feel constrained not to interfere. Accordingly, the writ petition is dismissed. No costs.

14. Pending applications, if any, stand closed.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

**NEW DELHI;
AUGUST 07, 2025.**

⁵ (1988) 4 SCC 534

