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2026 INSC 1186

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026
(ARISING OUT OF SLP (CRL.) NO.16725 of 2026)

A. ARUN **...APPELLANT(S)**

VERSUS

VARSHA SHARMA & ORS. **...RESPONDENT(S)**

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.

2. The appellant before us is an Officer of the Indian Police Service (IPS), presently serving as the Director of the Tamil Nadu Police Academy. The present appeal arises out of certain adverse remarks made against him in the judgment and final order dated 29th May 2026 passed by the High Court of Judicature at Madras at Chennai in H.C.P. No. 2066 of 2025.

3. At the relevant time, the appellant was serving as the Commissioner of Police, Greater Chennai.

   3.1. The first respondent was the writ petitioner before the High Court. Her father, who was the detenue in the

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proceedings before the High Court, was detained under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) (hereinafter, "the Act of 1982"), having been classified as a "Goonda" by the appellant.

3.2. The case which formed the basis of the detention order arose out of Crime No. 178 of 2025, wherein one Ravi was the complainant. It was alleged that the complainant had entered into a sale and construction agreement with M/s. Lokaa Developers Pvt. Ltd. for the purchase of an apartment and had paid a sum of ₹1,38,08,095/- towards the consideration.

3.3. The detenue and his wife were directors of the aforesaid company. Despite the execution of the agreements and payment of the consideration, the apartment was allegedly not handed over to the complainant. It was further alleged that the property was dealt with in favour of third parties and subsequently mortgaged, on the basis of documents alleged to be forged. Accordingly, Crime No. 178 of 2025 was registered on 29th August 2025 for offences punishable under

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Sections 409, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 (hereinafter, "IPC").

3.4. The detenue and his wife were arrested on 1st September 2025 and remanded to judicial custody. Other criminal cases were also registered against them on similar allegations.

3.5. A proposal for detention under the Act of 1982 was thereafter forwarded to the appellant by the Inspector of Police, Central Crime Branch-II. Upon consideration of the materials placed before him, the appellant arrived at a subjective satisfaction and passed an order of detention dated 22nd September 2025 under Section 3(1) of the Act of 1982, classifying the detenue as a "Goonda".

3.6. Aggrieved by the detention order, the first respondent instituted H.C.P. No. 2066 of 2025 before the High Court. The High Court allowed the petition and set aside the detention order. In the course of its judgment, however, the High Court made certain adverse observations against the appellant in paragraph nos. 6, 8, 10 and 19 to 23.

4. The appellant has approached this Court seeking expunction of the aforesaid adverse remarks.

5. We have heard Mr. Sidharth Luthra, learned senior counsel appearing for the appellant; Mr. Prashanto

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Chandra Sen, learned Additional Advocate General appearing for respondent nos. 2 to 5; and Mr. Vairawan A.S., learned counsel appearing for respondent no. 1.

6. During the course of hearing, the appellant was present before this Court. Learned senior counsel appearing on his behalf submitted that the appellant had realised his error and was willing to tender an unconditional apology. It was further submitted that the adverse remarks, if allowed to remain on record, could have serious repercussions for the appellant's professional reputation and career. Accordingly, an affidavit tendering an unconditional apology was filed by the appellant and taken on record.

7. We have perused the unconditional apology tendered by the appellant. In the affidavit, the appellant expresses regret for not having tendered an apology before the High Court and for having failed to accept the error committed by him in passing the detention order dated 22nd September 2025. He further states that, when summoned by the High Court, he ought to have accepted the error at that stage. Having failed to do so, he now tenders his unconditional apology to this Court as well as to the High Court. He has also assured this Court that he would exercise greater care in the discharge of his official functions in the future.

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8. We take note of the unconditional apology tendered by the appellant, as well as the assurance furnished by him. The exercise of power by a public authority must be guided by a careful appreciation of the facts and the applicable law. This assumes particular significance in matters of preventive detention, where the exercise of statutory power directly affects the liberty of an individual. Such power must, therefore, be exercised with utmost circumspection and in strict conformity with the requirements of law.

9. At the same time, we consider it appropriate to observe that an officer holding a senior position in the police administration is expected to appreciate the significance of the duties entrusted to him and the responsibility that accompanies the exercise of statutory powers. The appellant's expression of regret and his assurance to exercise greater care in the future are duly noted. We trust that the same shall be reflected in the discharge of his official functions hereafter. We also caution that the tendering of an apology cannot be regarded as a substitute for due care in the exercise of powers affecting the liberty of a person.

10. Having regard to the unconditional apology tendered by the appellant, the assurance furnished by him, and the circumstances of the present case, we accept the apology. In these circumstances, the adverse remarks made against

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the appellant in paragraph nos. 6, 8, 10 and 19 to 23 of the impugned judgment are directed to be expunged.

11. It is clarified that the present order is confined to the adverse remarks made against the appellant and shall not affect the decision of the High Court setting aside the detention order.

12. The appeal stands disposed of in the above terms.

13. Pending application(s), if any, shall also stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[R. MAHADEVAN]

.....J.
[APARESH KUMAR SINGH]

NEW DELHI;
NOVEMBER 02, 2026