

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 749 of 2015**

Gurpeet Kaur Khatkar D/o Shri Trilochan Singh Khatkar Aged About 29 Years W/o Vikramjeet Singh, R/o B 5/3, Udaya Society, Near Electricity Office, Tatibandh, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The District Magistrate, Durg, District Durg Chhattisgarh.
2. Vikramjeet Singh S/o Shri Nirmal Singh Aged About 29 Years Permanent Address - Plot No. 84, Street No. 15, Pragati Nagar, Risali, Bhilai, Tah. And District Durg Chhattisgarh. Present Address C 2/705, Nandan Spice, Wakad, Pune (Maharashtra).

---- Respondents

For the Applicant	:	Dr. Shailesh Ahuja, Advocate.
For the Respondent /State	:	Shri Lav Sharma, Panel Lawyer.
For Respondent No.2	:	Shri Shikhar Sharma, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****11/05/2016**

1. Heard the instant Cr.M.P on admission and also on its maintainability as the same has been filed with a prayer to set aside the impugned order dated 25.6.2015 passed by this Court in Cr.M.P No. 458 of 2015.
2. Learned counsel for the Applicant prays that the instant Cr.M.P is maintainable hence, the petition may be heard on its merits.
3. The record and the order passed by this Court on 25.6.2015 are perused.
4. The relevant provision of Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') reads is as under:

“482. Saving of inherent power of High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

5. As a settled law, the words used “any Court” in Section 482 of the Code shall be for the Court subordinate to the High Court, it does not include the High Court. From perusal of Section 482 of the Code, it appears that this Court by invoking the inherent jurisdiction may make such order as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. This Court by invoking the jurisdiction under Section 482 of the Code passed order dated 25.6.2015 in Cr.M.P No. 485 of 2015. The scope and jurisdiction of the said section cannot be extended for invoking inherent jurisdiction to set aside the order passed by this Court itself applying the jurisdiction under Section 482 of the Code.

6. On due consideration, it is held that the instant Cr.M.P is not maintainable. Consequently, the same is dismissed as not maintainable.

Sd/-

Chandra Bhushan Bajpai
Judge