IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No. 5694 of 2016

Dr. M. Jagadeesh Babu, M.B.B.S. Petitioner

Vs.

1 The Superintendent of Police
Thiruvarur District
Thiruvarur

2 The Deputy Superintendent of Police
Thiruthuraipoondi Sub Division
Thiruthuraipoondi
Thiruvarur District

3 The Inspector of Police
Thiruthuraipoondi Police Station
Thiruthuraipoondi
Thiruvarur District Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register a case based on the petitioner's complaint dated 27.02.2016 and proceed with investigation in accordance with law.

For petitioner Mr. R.S. Raveendhren

For respondents Mr. C. Emalias
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed seeking to direct the respondents to register a case based on the petitioner's complaint dated 27.02.2016 and proceed with investigation in accordance with law.

2 In *State of Punjab vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770]*, the Supreme Court has held as under:

> "63 Application under Section 482 Cr.P.C. lies before the High Court against an order passed by the court subordinate to it in a pending case/proceedings. Generally, such powers are used for quashing criminal proceedings in appropriate cases. Such an application does not lie to initiate criminal proceedings or set the criminal law in motion. Inherent jurisdiction can be exercised if the order of the Subordinate Court results in the abuse of the "process" of the court and/or calls for interference to secure the ends of justice. The use of word "process" implies that the proceedings are pending before the Subordinate Court. When reference is made to the phrase "to secure the ends of justice", it is in fact in relation to the order passed by the Subordinate Court and it cannot be understood in a general connotation of the phrase. More so, while entertaining such application the proceedings should be pending in the Subordinate Court. In case it attained finality, the inherent powers cannot be exercised. The party aggrieved may approach the appellate/revisional forum. Inherent jurisdiction can be exercised if injustice is done to a party, e.g., a clear mandatory provision of law is overlooked or where different accused in the same case are being treated differently by the Subordinate Court. *(emphasis supplied).*
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> 64 An inherent power is not an omnibus for opening a Pandora's box, that too for issues that are foreign to the main context. The invoking of the power has to be for a purpose that is connected to a proceeding and not for sprouting an altogether new issue. A power cannot exceed its own authority beyond its own creation. . . . . "

3 Following the said judgment, this Court dismissed Crl.O.P. Nos.19197, 19198, 19343 and 19359 to 19363 of 2016 by a detailed order dated 27.09.2016.

In view of the above, this Criminal Original Petition is disposed of with liberty to the petitioner to follow the procedure laid down in the order dated 27.09.2016 passed by this Court in Crl.O.P.Nos. 19197, 19198, 19343 and 19359 to 19363 of 2016 and file a fresh petition, if necessary.

28.09.2016

cad

To

1 The Superintendent of Police
Thiruvarur District
Thiruvarur

2 The Deputy Superintendent of Police
Thiruthuraipoondi Sub Division
Thiruthuraipoondi
Thiruvarur District

3 The Inspector of Police
Thiruthuraipoondi Police Station
Thiruthuraipoondi
Thiruvarur District

4 The Public Prosecutor
Madras High Court
Chennai 600 104

P.N. PRAKASH,J,

cad

Crl.O.P.No.5694 of 2016

28.09.2016