

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.09.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP No.14158 of 2016

P.Vimala .. Petitioner
Vs

1. The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Inspector of Police (F5)
Marakanam Police Station,
Marakannam.
3. The Inspector of Police,
D.C.B., Villupuram. .. Respondents

R3 impleaded as per order
dated 25.07.2016 made in Crl.MP 7845/16)

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C., to direct the respondents to investigate and register FIR
based on the petitioner's complainant dated 11.06.2016.

For Petitioner : Mr.P.Suresh
For Respondents: Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This Criminal Original Petition has been filed under Section
482 Cr.P.C., to direct the respondents to investigate and
register FIR based on the petitioner's complaint dated 11.06.2016.

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).

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 CrI.O.P. Nos.19197, 19198, 19343 and 19359 to 19363 of 2016 by a detailed order dated 27.09.2016.

4. 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 CrI.O.P. Nos. 19197, 19198, 19343 and 19359 to 19363 of 2016 and file a fresh petition, if necessary.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Inspector of Police (F5)
Marakanam Police Station,
Marakannam.
3. The Inspector of Police,
D.C.B., Villupuram.
4. The Public Prosecutor, High Court, Madras.

CrI.OP No.14158 of 2016

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