

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.09.2016

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.20789 of 2016

Thenmozhi

... Petitioner

Vs

State rep by

The Inspector of Police,
Maraimalai Nagar Police Station,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the respondent to register a case based on the
petitioner complaint dated 21.08.2016 in CSR.No.1022 of 2016.

For Petitioner : Mr.V.S.Mannarsamy

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent to
register a case based on the petitioner's complaint dated 21.08.2016
in CSR.No.1022 of 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 Crl.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 Crl.O.P. Nos. 19197, 19198, 19343 and 19359 to 19363 of 2016 and file a fresh petition, if necessary.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Maraimalai Nagar Police Station,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.20789 of 2016

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RD 24/10/2016

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