

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.23016 of 2016

R.Karthi

... Petitioner

Vs

1.The Commissioner of Police,
Salem City Commissioner Office,
Salem.

2.The Inspector of Police,
Kondalampatti Police Station,
Salem City.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd respondent to provide police protection to the petitioner and his office premises and subsequently take action on the petitioner's complaint dated 04.10.2016

For Petitioner : Mr.A.G.Narasimhan
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the second respondent to provide police protection to the petitioner and to take action on the complaint dated 04.10.2016, given by the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.It is seen that this petitioner has lodged a complaint dated 04.10.2016 with the first respondent police, making allegations against four persons namely Bharathi, Anbu Selvan, Anand and Vignesh for various offences under Sections 147, 381, 383, 384, 409, 421, 499 and 506(i) IPC and has followed up with the present petition seeking a direction, as aforesated.

4. 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."

5. In view of the aforesaid judgment, this petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(J)

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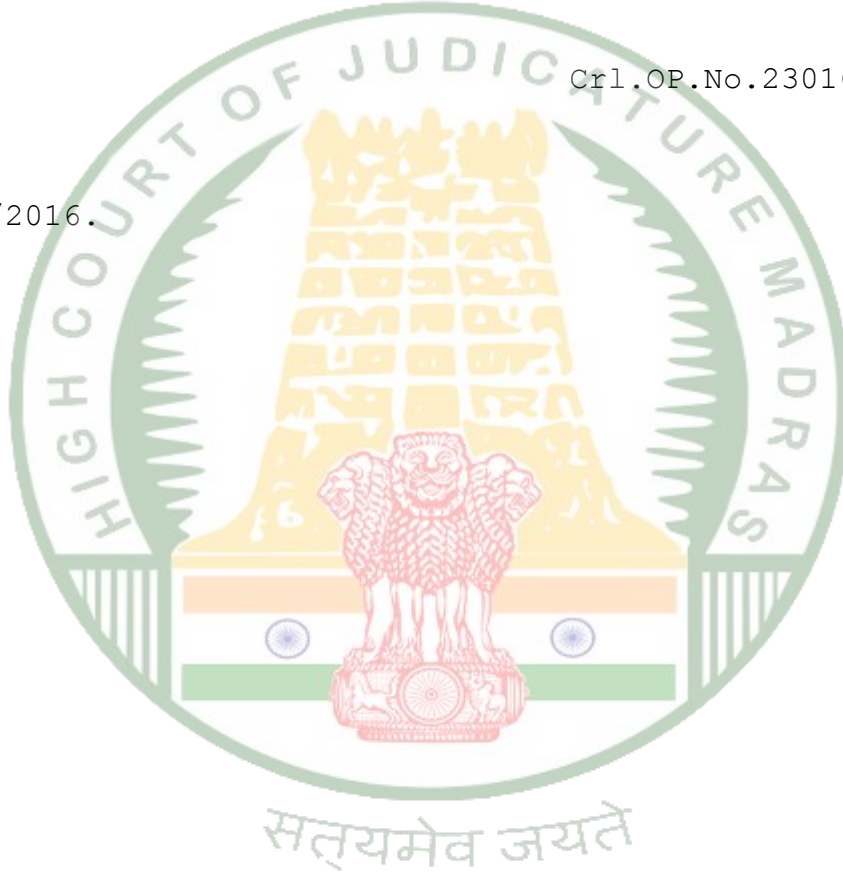
Sub Assistant Registrar

To:

- 1.The Commissioner of Police,
Salem City Commissioner Office,
Salem.
- 2.The Inspector of Police,
Kondalampatti Police Station,
Salem City.
- 3.The Public Prosecutor
High Court, Madras.

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srg 05/12/2016.



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