IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.4476 of 2016

Suresh ... Petitioner

..Vs..

1.State Rep.by
The Commissioner of Police,
Commissioner Office,
Tirupur District.

2.The Inspector of Police,
South Police Station,
(In Crime No.Nil of 2016)
Tirupur District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to register the case on file of the complaint dated 23.02.2016 in accordance with law.

For Petitioner : Mr.P.Kalimuthu
For Respondents : Mr.C.Emalias,APP

O R D E R

This petition has been filed to direct the respondent to register the case on file of the complaint dated 23.02.2016 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

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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.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To
1.The Commissioner of Police,
Commissioner Office,
Tirupur District.

2.The Inspector of Police,
South Police Station,
(In Crime No.Nil of 2016)
Tirupur District.

3.The Public Prosecutor,
High Court, Madras.

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