

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.5794 of 2016

Dhanalakshmi

... Petitioner

Vs

State rep. by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the respondent police to register a case based on
the petitioner's complaint dated 10.03.2016.

For Petitioner : Mr.T.Arul

For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed to direct the respondent police
to register a case based on the petitioner's complaint dated
10.03.2016.

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
jurisdiction 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.

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/TRUE COPY/

Sd/-
Assistant Registrar (J)

Sub-Assistant Registrar

To

1. The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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NM[CO]

MK:24/10/2016