

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.Nos.6238 & 6239 of 2016

Satya Petitioner in both Crl.O.Ps.

Vs.

1.The District Collector
Krishnagiri District, Krishnagiri.

2.The Superintendent of Police,
Krishnagiri District, Krishnagiri .. Respondents in
Crl.O.P.No.6238 of 2016

1.The District Collector
Dharmapuri District, Dharmapuri.

2.The Superintendent of Police,
Dharmapuri District, Dharmapuri. .. Respondents in
Crl.O.P.No.6239 of 2016

Prayer in Crl.O.P.No.6238 of 2016:- Petition has been filed under Section 482 of Cr.P.C. to direct the respondents to register the representation of the petitioner dated 01.03.2016 to hold an enquiry into the torture of Police Team of Manoharan, Inspector of Police, Pochampally and Murugan Inspector of Police, Mathur Police Station and deal with them in accordance with law.

Prayer in Crl.O.P.No.6239 of 2016:- Petition has been filed under Section 482 of Cr.P.C. to direct the respondents to register and consider the representation of the petitioner dated 01.03.2016 and to hold an enquiry into the torture the petitioner and the family members by the Police Teams of Dharmapuri Police Station (Crime Branch 10 to 20 Policemen Special Team of Dharmapuri District) and deal with them in accordance with law.

For Petitioner : M/R. Sankara Subbu
For Respondent : Mr.C.Emalias, APP

C O M M O N O R D E R

Crl.O.P.No.6238 of 2016 has been filed to direct the respondents to register and consider the representation of the petitioner dated 01.03.2016 to hold an enquiry into the torture of Police Team of Manoharan, Inspector of Police, Pochampally and Murugan Inspector of Police, Mathur Police Station and Crl.O.P.No.6239 of 2016 has been filed to direct the respondents to register and consider the representation of the petitioner dated 01.03.2016 and to hold an enquiry into the torture the petitioner and the family members by the Police Teams of Dharmapuri Police Station (Crime Branch 10 to 20 Policemen Special Team of Dharamapuri District).

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, these Criminal Original Petitions are 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

To

1.The District Collector
Krishnagiri District, Krishnagiri.

2.The Superintendent of Police,
Krishnagiri District, Krishnagiri

3.The District Collector
Dharmapuri District, Dharamapuri.

4.The Superintendent of Police,
Dharmapuri District, Dharamapuri.

5.The Public Prosecutor,
High Court, Madras.

SSI(CO)
RRI 22/10/2016

Crl.O.P.Nos.6238 & 6239 of 2016