

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.237 of 2017

ORDER:

This criminal petition under Section 407 of Criminal Procedure Code (for short "Cr.P.C.") is filed by Avvaru Subba Rayudu along with '7' others, who are kith and kin of petitioner No.1, and the prayer therein is ambiguous, therefore, it is extracted hereunder.

- (a) Issue of grant of Transfer Criminal Petition No. of 2017 U/s.407 code of Criminal Procedure 1973 against no action taken being not addressed to Hon'ble High Court of Judicature at Hyderabad, for the State of Telangana and Andhra Pradesh since 2-5-2017 to 24-9-2017 in CC SR 7025 of 2017 on this Court in CC No. (s) 88 and 08 of 2010, Sidhout Mandal, Kadapa District, A.P., but on behavior of CC No. 300/2017 U/s. 393 IPC., I Town Police Station U/G, on I Additional Judicial 1st Class Magistrate, Kadapa City – 516 001, A.P., and S.C. No.02/2011 Fast Track Court, Badvel Mandal, Kadapa District, A.P.
- (b) Pass such other Order (or) Orders on this Hon'ble Court may deem fit and proper in the circumstances of this case.

The present petition is filed against 1368 respondents, who are inclusive of Attorney General of Supreme Court, Ministers, Members of Parliament and Chief Justice of High Court of Judicature at Hyderabad and other constitutional authorities but the allegations made in the petition are not conveying any meaningful reference. Therefore, it is apposite to extract the allegations made in the petition to avoid confusion and to highlight how this petitioner filing petitions one after the other impleading various respondents in the petition.

“Most Respectfully Showeth:

- 1) The present Transfer Petition No. of 2017 is filed by the Defacto Complainant Cum Party in persons (9999) under the Section 407 Code of Criminal Procedure 1973 after not moving in CCSR 7025 of 2017 filing date 21-09-2017 by Accused No. 1366 that be to according Contempt Case S.R. No. 7025 of 2017 filing dated 21-09- 2017 on the file of this Hon'ble court from 05-07-2017 to 24-09-2017 is under the Section 407 Code of Criminal Procedure 1973 against Accused No. 1 to Accused No. 1368 and Proceedings of the Sections to regulate Proceedings for the Contempt of Courts Act 1971 as laid down in CCSR 7025 of 2017 on the file of this Hon'ble Court against the said Act and Exercise of powers Under Section 407 Code of Criminal Procedure 1973 needs to be brought under the Judicial review of this Court to grant Transfer Petition No. of 2017 for (1) direction, (2) stay (3) dispense with petition like Crl.MP.No of 2017 on the file of this Hon'ble Court.
- 2) Brief fact of the case are as under:
On 21-09-2017 a CCSR 7025 of 2017 is being filed by the defacto complainant cum party in person (9999). True copy of FIR No. 71 of 2017 U/S 393 IPC, I Town P.S. on I Additional Judicial 1st Class Magistrate, Kadapa City with remand report dated 1-5-2017 is exhibited as exhibit No.P1 (Pg 170 to 174). A true copy of Charge Sheet in Crime No. 71 of 2017 U/S 393 IPC, I Town P.S. Kadapa City like CC No.300 of 2017 on I ADM Court, Kadapa City dated 8-5-2017 is Exhibited as P2 (Pg 175 to 182). A true copy of No. L-15012/2/2017-Jus-I, G.O.I. Ministry of Law and Justice, Department of Justice, Jaisalmar House, Man Singh Road New Delhi- 110 011 dated 8-5-2017 to Registrar General, High Court of A.P. & Telangana is Exhibited as Exhibit No.3 (Pg. 183 to 183). A true copy of Sl. No. PI/A/0507170149, President Secretariat (Public – I Section), Rastrapathi Bhavan, New Delhi – 110 004, dated 5-7-2017 to G.R. Raghavender, Joint Secretary to the Govt. of India (National Mission for Justice Delivery and Legal Reforms) Department of Justice, Jaisalmar House, Mansingh Road, New Delhi – 110 011 is exhibited as Exhibit No. P4 (Pg.184 to 187). A true copy of P.L.C. No. 11/2017 Chairman, Mandal Legal Services Committee cum Junior Civil Judge, Sidhout, Kadapa District, A.P., dated 21-8-2017 is exhibited as Exhibit No. P5 (Pg. 188 to 190). A true copy of order dated 2-5-2017, Dis. No. 853/2017, present: U.U. Prasad, Secretary, District Legal Services Authority, Kadapa A.P. 516 001 is exhibited as Exhibit No. P6 (Pg 191-195). A true copy of Defaulter Companies List, Ministry of Corporate Affairs, Govt. of India, dated 23-4-2017 is exhibited as Exhibit No. P7 (Pg. 196 to 751). A true copy of served copy of G.O. No. 2441 including G.O. 2154 to 2134, General Administration Department, A.P. Secretariat, Govt. of Andhra Pradesh, is exhibited as Exhibit No. 8 (Pg. 752 to 753). A true copy of served on 27-9-2017 of this Transfer Petition of 2017 to Accused No. 1366 is exhibited as Exhibit No. 9 (Pg. 754 to 754). A true copy of served on 27-9-2017 of this

Transfer Petition of 2017 of Accused No. ASR 27-9-2017 1367 is exhibited as Exhibit No. 10 (Pg. 755 to 755). A True copy of served on 27-9-2017 of this Transfer petition of 2017 to Accused No. 1345 is exhibited as Exhibit No. 11 (Pg. 756 to 756). A True copy of served on 27-9-2017 of this Transfer petition of 2017 to Accused No. 1365 is Exhibited as Exhibit No. 12 (Pg. 757 to 757). A True copy of served on 27-9-2017 of this Transfer petition of 2017 to Accused No. 1358 is Exhibited as Exhibit No. 13 (Pg. 758 to 758) true copy of Judgment in CC 88 and 08 of 2010 on Judicial Magistrate of 1st Class, Sidhout, Kadapa District, A.P. is exhibited as Exhibit P14 (Pg. 759 to 775). A true copy of judgment in SC No. 02/2011 Fast Track Court, Badvel, Kadapa District, A.P. is exhibited as Exhibit P 15 (Pg. 776 to 780).

- 3) That the defacto complainants cum Party in persons (9999) have not filed any other petition seeking grant of Transfer Petition No.2017 against no action taken being not addressed to Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and A.P. in order dated 25/2017 Dis. No. 853/2017 dated 3-5-2017 present Shri U.U. Prasad, Secretary, District Legal Services Authority, Kadapa City – 516 001, No.L-15012/2/2017- JUS-U, G.O.I., Ministry of Law and Justice, Department of Justice, Jaisalmar House, Mansingh Road, New Delhi-110 011, SLNo.P1/A/0507170149, President's Secretariat, (Public I Section), Rastrapathi Bhavan, New Delhi-110 004, CCSR No.7025 of 2017 on the file of Hon'ble High Court Judicature at Hyderabad for the State of Telangana and Andhra Pradesh.
- 4) That this Transfer Petition of 2017 is filed by this defecto complainants cum party in persons (9999).
- 5) That the petitioners have not filed any Transfer Petition of 2017 in this regard and no transfer petition of 2017 filed by its in the same manner is pending before any other Court in that regard.

PRAYER

- (a) Issue of grant of Transfer Criminal Petition No. of 2017 U/s.407 code of Criminal Procedure 1973 against no action taken being not addressed to Hon'ble High Court of Judicature at Hyderabad, for the State of Telangana and Andhra Pradesh since 2-5-2017 to 24-9-2017 in CC SR 7025 of 2017 on this Court in CC No. (s) 88 and 08 of 2010, Sidhout Mandal, Kadapa District, A.P., but on behavior of CC No. 300/2017 U/s. 393 IPC., I Town Police Station U/G, on I Additional Judicial 1st Class Magistrate, Kadapa City – 516 001, A.P., and S.C. No.02/2011 Fast Track Court, Badvel Mandal, Kadapa District, A.P.
- (b) Pass such other Order (or) Orders on this Hon'ble Court may deem fit and proper in the circumstances of this case.”

The petitioner No.1 filed written arguments, which are as follows:

"I, the petitioner No.1 cum party in person (9999) have been appeared at Tr.Crl.Pet.237 of 2017 before Hon'ble Justice Satyanarayana Murthy on this Hon'ble Court on 13.11.2017 at 10.30 A.M.

So, I was directed to give written statement against Nawaz Shariff then prime Minister of Pakistan, Advocate Generals, HACJ Ramesh Ranganathan of A.P., Attorney Generals of Supreme Court, Narendra Modi PM etc., and proceedings in Tr.Crl.Pet. 237/2017 on this Court.

That the state of petitioner No.1 cum Party-in-person (9999) is that actually against those accused No.1 to 1368 the facts of case were submitted in CASR 4274/2015 on this Hon'ble Court and contempt petition (Crl.) D42525/2016 on Supreme Court etc. The fact against HACJ Ramesh Ranganathan of A.P. is that we were given wrong item No. in CASR 4274/2015 in this Court that matter is posted to 3rd day but the matter was not heard (No listing) on 3rd day and the matter was on 2nd day only. And in WP (Crl.) D. 28417/2013 on Supreme Court a report was sought by above HACJ Ramesh Ranganathan also. The facts against Nawaz Shariff, then P.M. of Pakistan and Narendra Modi PM of India are to be filed a contentious case on the file of international Court of Justice as title India/Pakistan in this case. The facts against attorney General of India, the advocate Generals of A.P./Telangana are in this case, CASR4274/2015, the contempt petition (Crl.) D.42525/2016 on Supreme Court of India in CC Nos.8 and 88/2010 vontimitta PS on Hon'ble JMFC Court, Siddavatam Mandal, Kadapa District. Like these the facts against accused No.1 to Accused No.1368 are so many at great in this case were reserved to us only i.e. petitioners cum Party-in-persons (9999).

Therefore, I pray before Hon'ble Justice Satyanarayana in this court to transfer, this TR CRL.PET 237/2017 for CASR 4274/2015 on this Hon'ble Court further into contempt petition (Crl) D.42525/2016 on the file of Hon'ble Supreme Court of India, New Delhi, in the interests of justice."

Initially office took objection as to maintainability of the petition in view of the allegations made in the petition without any specific prayer for withdrawal of C.C.SR.No.7025 of 2017 and transfer of the same to any other Court, but the modus operandi of the petitioner is to file miscellaneous petitions to implead several other persons including staff of the High Court, Chief Justice,

sitting and retired judges of this Court and Chief Secretary and other judicial officers and highest constitutional authorities without any specific reasons, as if they are contemnors and styling them as accused in the cause title. It appears from the allegations made in the petition that the petitioner No.1 is suffering from “**Sadomasochism**” and filed this petition against the bureaucrats, Judges of this Court including Chief Justice, Chief Secretary, various advocates and all Members of Parliament in the Country including Navaz Sharif, Ex-Prime Minister of Pakistan as respondents/accused and deceased Ex-Chief Minister of Andhra Pradesh viz. Dr.Y.S.Rajasekhara Reddy, and other highest constitutional authorities as respondents in the petition, obviously for different reasons.

Initially, this Court took objection about the maintainability of the petition, but taking into consideration of his behaviour in filing petitions to implead staff members of the Registry, who raised objections, this Court registered the petition subject to objections raised by the Registry to avoid further delay to put an end to the frivolous litigation resorted to by this petitioner.

Petitioner filed several documents along with this petition including the report lodged by Chandra Sekhar against the petitioner No.1. In the said report, specific allegation is made by Chandra Sekhar against the petitioner No.1 that he obstructed the said Chandra Sekhar and his brother at about 07.30 p.m. and when they enquired the name of the person who obstructed them, he disclosed his identity as A.Subba Rayudu, the petitioner No.1 herein. On the strength of the report lodged by Chandra Sekhar, a crime was registered and F.I.R.No.71 of 2017 was issued against

the petitioner No.1, for the offence of attempt to commit robbery punishable under Section 393 of I.P.C. After investigation charge sheet is filed, which is numbered as C.C.No.300 of 2017, against the petitioner No.1 for the offence punishable under Section 393 of I.P.C. The case diary filed along with this petition also disclosed prima facie that the petitioner committed offence punishable under Section 393 of I.P.C.

Petitioner sent representation to President of India, which was forwarded to Joint Secretary-II to the Government of India, Department of Justice by the Office of President of India, which in turn referred to the Registrar General, High Court of Hyderabad, Andhra Pradesh, for necessary action by letter dated 08.05.2017.

A copy of contempt petition (CRL) D.42525/2016 in W.P.(CRL) D.28417/2013 making Attorney General of India and others as respondents before the Supreme Court is also placed on record as a document and copies are addressed to Registrar, Supreme Court of India and others and annexed the postal receipts along with contempt petition.

On receipt of representation by the Registry, matter was entrusted to Chairman, Mandal Legal Services Committee, Junior Civil Judge, Sidhout, who in turn issued a notice dated 09.09.2017 to the petitioner and the same was received by the petitioner. Thereafter, filed P.L.C.No.11 of 2017 in P.L.C.No.07 of 2017 before Chairman, Mandal Legal Services Committee – cum – Junior Civil Judge, Sidhout requesting to take both civil and criminal action against Katabathina Subrahmanyam, Katabathina Lakshamma, Nandam Subbarayudu, Chintaginjala Venkata Subbarayudu and

V.Masthan, the then Sub-Inspector for arraying them as accused in C.C.No.8 of 2010 on the file of Judicial First Class Magistrate, Sidhout and S.C.No.02 of 2011 pending on the file of Fast Track Court, Badwal.

On the request of the petitioner No.1; Sri S.Balaji was appointed as Legal Aid Counsel, who is arrayed as one of the respondents in the present petition. Later, the petitioner No.1 addressed a letter dated 27.04.2017 to Inspector of Police, I Town Police Station, requesting to take civil and criminal action for bypassing the orders of the Court and also addressed another letter dated 28.04.2017 to Andhra Pradesh State Legal Services Authority, Hyderabad to take action for confining him in I Town Police Station, Kadapa City by Registered Post.

Petitioner also filed document obtained from the portal of Ministry of Company Affairs i.e. list of defaulter companies running from page Nos.196 to 751 of the paper book filed along with this petition.

Copy of the judgment passed by Judicial Magistrate of First Class, Sidhout dated 22.04.2016 in C.C.No.88 of 2010 is also placed on record. In the said judgment, the Judicial Magistrate of First Class, Sidhout found the accused not guilty for the offence punishable under Sections 337 and 304-A I.P.C. and under Section 134 (a) and (b) of M.V.Act. But the petitioner No.1 herein was not accused in the said case. The petitioner was examined as L.W.1 during investigation, but not examined as a witness before the Magistrate, his statement recorded by the police during investigation on 01.08.2008 was marked as Ex.P.4 during trial of

the case.

Similarly, judgment dated 10.08.2017 passed in S.C.No.02 of 2011 by the Additional Assistant Sessions Judge (Fast Track Court) Badvel is also placed on record, in which the petitioner No.1 is arrayed as accused No.1. In the said judgment, the petitioner No.1 was found not guilty for the offence punishable under Sections 354 and 506 read with 34 of I.P.C. Accordingly, he was acquitted for the same.

Though the petitioner filed several documents, which are irrelevant for deciding the present petition, he did not file copy of the C.C.SR.No.7025 of 2017. The petitioner sought for transfer of said C.C.SR.No.7025 of 2017 without specifying the Court to which it is to be transferred.

From the averments made in the Transfer Petition and the documents filed along with this petition and impleadment of various persons, in total 1368, including higher officials in various departments, the officers occupied highest position in various departments including highest constitutional authorities of India creates any amount of doubt about the mental condition of the petitioner and it appears that he is not in a position to distinguish good and bad and filing petitions without any reasons. Normally, when a petition is filed for withdrawal and transfer of the case to any other Court, it is the duty of the petitioner to file copy of the petition pending before the Court or police station etc. Instead of filing the required documents, the petitioner filed various irrelevant and unnecessary documents, which are not related to the present case. It is also not known whether the persons arrayed as

respondents are related to the present case, which is sought to be withdrawn and transferred. The conduct of the petitioner throughout creates any amount of suspicion and even now I am unable to understand the reason for arraying several respondents in the present petition for withdrawal and transfer of C.C.(SR).No.7025 of 2017. If the Registry raises objection, the modus operandi of the petitioner is to implead them as parties.

There is no surprise if any adverse order is passed against the petitioner; there is possibility of impleading the Judge, who passed the order, the Court Officer and Court Master. If such practice is allowed, it is difficult to discharge the duties by any of the staff members.

The petitioner filed contempt case against 1368 respondents arraying them as accused – contemnors in the cause title of the petition. The respondents are Central Ministers, Attorney Generals, Chief Justice of High Court at Hyderabad and other sitting judges etc. The few important persons, who are impleaded as respondents – accused are mentioned hereunder.

1. The Attorney General of India. (Respondent No.1)
2. The Advocate General of Andhra Pradesh. (Respondent No.2)
3. The Advocate General of Telangana. (Respondent No.3)
4. Nara Chandra Babu Naidu, Chief Minister of Andhra Pradesh. (Respondent No.131)
5. Dr.Y.S.Rajasekhara Reddy, Ex- Chief Minister of Andhra Pradesh. (Respondent No.132)
6. Konijeti Rosaiah, Ex-Governor of Tamilnadu. (Respondent No.133)
7. Y.S.Jagan Mohan Reddy, President, YSR Congress Party. (Respondent No.134)
8. Nalini Kiran Kumar Reddy, Ex- Chief Minister of Andhra Pradesh. (Respondent No.140)

9. K.Yarrannaidu (Late), Ex.TDP Leader in Parliament of India. (Respondent No.214)
10. The Registrar (Judicial) High Court. (Respondent No.215)
11. The Minister for Law of Andhra Pradesh (Respondent No.241)
12. The Minister for Law of Union Government of India. (Respondent No.242)
13. The Registrar General of India, New Delhi (Respondent No.292)
14. The Assistant Solicitor General of India, High Court (Respondent No.300)
15. The Governor of Andhra Pradesh. (Respondent No.305)
16. Smt.Sonia Gandhiji, President, Congress Party. (Respondent No.330)
17. Rahul Gandhi, Vice –President, Congress Party. (Respondent No.331)
18. Chidambaram, Ex-Finance Minister. (Respondent No.332)
19. Susheel Kumar Shinde, Ex-Minister. (Respondent No.333)
20. K.Chandra Sekhar Rao, Chief Minister of Telangana State. (Respondent No.334)
21. Digvijay Singh, Ex-Minister. (Respondent No.335)
22. Ramakanth Reddy, I.A.S. (Respondent No.336)
23. Robert Vadra, son-in-law of Sonia Gandhiji (Respondent No.337)
24. K.Kavitha, Member of Parliament (Respondent No.372)
25. V.Venkata Prasad, Registrar (Judicial) (Respondent No.395)
26. Ms.Jayanthi Natarajan (Respondent No.397)
27. Secretary General, Supreme Court of India (Respondent No.403)
28. D.V.Sadananda Gowda, Ex-Minister of Law and Justice. (Respondent No.406)
29. M.Venkaiah Naidu, Vice-President of India. (Respondent No.407)
30. Ms.Sushma Swaraj (Respondent No.408)
31. Dr.Raghuram G.Rajan, Ex-Governor Reserve Bank of India. (Respondent No.410)
32. The Registrar General, High Court at Hyderabad. (Respondent No.1245)
33. Arun Jaitley, Finance Minister. (Respondent No.1264)
34. Nawaz Sharif, Ex-Prime Minister of Pakistan. (Respondent No.1266)
35. Justice Nooty Rama Mohana Rao. (Retired) (Respondent No.1268)
36. Justice Ramesh Ranganathan (Respondent No.1269)

37. Dr.Urjit R.Patel, Governor of Reserve Bank of India. (Respondent No.1285)

38. Nara Lokesh, Minister of Andhra Pradesh. (Respondent No.1354)

39. Ganta Srinivasa Rao, Minister of Andhra Pradesh (Respondent No.1363)

40. The Chief Secretary, GAD Department, Andhra Pradesh. (Respondent No.1364)

41. The Resident Commissioner, A.P.Bhavan, New Delhi. (Respondent No.1365)

In the written arguments submitted before this Court, the petitioner did not explain as to how they are necessary parties to the petition, except alleging that ***“the facts against Nawaz Shariff, then Prime Minister of Pakistan and Narendra Modi, Prime Minister of India are to be filed a contentious case on the file of International Court of Justice as title India/Pakistan in this case”*** and making such serious allegations against highest constitutional authorities, who are unconnected with the contempt case and present proceedings before the Court, indicates that the petitioner might be a person, who lost mental balance, or he filed petition with an intention to make it as sensation or to gain popularity, hence such practice has to be nipped at the bud and to avoid unnecessary confusion by filing implead petition, this Court directed the Registry to register the petition subject to objection to put an end to the audacity of the petitioner.

Filing such petitions against unconcerned persons is nothing but abuse of process of the Court and such acts would clog the proceedings in the Courts since these proceedings are vexatious and frivolous.

The attempt of the petitioner is an atrocious one and it is a brazen, unethical attempt deliberately made against all the three wings i.e. legislature, administration and judiciary, unless such attempts are scuttled at the threshold, it is difficult to administer justice and run the judicial institution.

The Court has to discharge its judicial functions presided by a judicial officer and when the respondents arrayed in this petition who are unconcerned with any of the proceedings, in such case the question of proceeding against them either in the contempt case or in the present petition is a matter of serious concern and it appears that the petitioner with an ill-motive to become popular arrayed all these persons as respondents.

The objectives and functions of the judiciary includes to ensure that all persons are able to live securely under the rule of law; to promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and to administer the law impartially among person and between persons and the State, due to filing such frivolous and vexatious petitions it is difficult to discharge judicial functions, thereby the genuine litigants would suffer on account of clogging of the work by entertaining such petitions. Such person has to be dealt with suitably, otherwise, the Courts will become paradise for unscrupulous litigants and the Court is not a madman's playground.

Filing of this petition impleading several respondents, who are unconcerned with the cases pending before the Court including the persons shown in the list is suffice to conclude that the

petitioner resorted to present vexatious and frivolous litigation, obviously for different reasons known to him. In such case, such person has to be dealt with by imposing appropriate costs since arraying highly placed constitutional authorities referred above styling them as accused – contemnors will cause enormous damage to their esteem as they are unconcerned with the matter pending before the Court. Before filing such petition, party has to verify whether they are concerned with the litigation or not and whether there are any reasonable grounds for arraying them as accused – contemnors, but without making such attempt the petitioner No.1 resorted to file this frivolous litigation at his whim and caprice.

In a similar situation, while dealing with a Public Interest Litigation filed by a counsel in “**State of Uttaranchal v. Balwant Singh Chaufal**”¹ the Apex Court held that it was expected from a member of the noble profession not to invoke the jurisdiction of the court in a matter where the controversy itself is no longer *res integra* and this is a clear case of abuse of process of Court in the name of Public Interest Litigation. A degree of precision and purity in presentation is a *sine qua non* for a petition filed by a member of the Bar under the label of public interest litigation. It is expected from a member of the Bar to at least carry out the basic research whether the point raised by him is *res integra* or not. The lawyer who files such a petition cannot plead ignorance. This is a classic case of the abuse of the process of the court. In that case a practicing lawyer has deliberately abused the process of the court. In that process, he has made a serious attempt to demean an

¹ (2010) 3 SCC 402

important constitutional office. The petitioner ought to have refrained from filing such a frivolous petition.

The Apex Court directed the respondents therein to pay costs of Rs.1,00,000/- (Rupees One Lakh) in the name of Registrar General of the High court of Uttarakhand within a period of Two (2) months. If the costs are not deposited within two (2) months, the same would be recovered as the arrears of the Land Revenue.

In the facts of the above judgment, a practicing advocate filed a Public Interest Litigation involving the issue, which was decided by the Court and in such case, the Court took serious view for clogging or chocking the proceedings of the Court as it is intended to demean the prestige of the Court and constitution authorities and observed as follows:

“Of late, such an important jurisdiction as public interest litigation which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. Time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged. The Court has to protect and preserve this important jurisdiction in the larger interest of the people of this country but effective steps have to be taken to prevent and cure its abuse on the basis of monetary and non- monetary directions by the courts.

The malice of frivolous and vexatious petitions did not originate in India. The jurisprudence developed by the Indian judiciary regarding the imposition of exemplary costs upon frivolous and vexatious PIL petitions is consistent with jurisprudence developed in other countries. U.S. Federal Courts and Canadian Courts have also imposed monetary penalties upon public interest claims regarded as frivolous. The courts also imposed non-monetary penalties upon Advocates for filing frivolous claims. U.S. Federal Courts too have imposed monetary penalties against plaintiffs for bringing frivolous public interest claims. Case law in Canadian Courts and U.S. Federal Courts exhibits that the imposition of monetary penalties upon frivolous public interest claims is not unique to Indian jurisprudence. Additionally, U.S. Federal Courts have imposed non- monetary penalties upon Attorneys for bringing frivolous claims. Federal rules and case law

leave the door open for such non-monetary penalties to be applied equally in private claims and public interest claims. The judicial stance endorses the ethical obligation embodied in Rule 3.1 of the Model Rules of Professional Conduct ("MRPC"): Together, the FRCP, U.S. federal case law, and the MRPC endorse the imposition of non-monetary penalties upon attorneys for bringing frivolous private claims or public interest claims."

Since the Courts taking serious view about such frivolous petitions, the petitioner No.1, who is prosecuting the proceedings on behalf of other petitioners, in-person must also be dealt with as an advocate.

In "***Dr.B.Singh v. Union of India (UOI)***"² the Apex Court referred to the judgments rendered in "***State of Maharashtra v. Prabhu***"³, and "***Andhra Pradesh State Financial Corporation v. GAR Re-Rolling Mills***"⁴ "***Dr. B.K. Subbarao v. Mr. K. Parasaran***"⁵, held that the Courts must do justice by promotion of good faith, and prevent law from crafty invasions, Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. Today people rush to Courts to file cases in profusion under this attractive name of public interest. Self styled saviors who have no face or ground in the midst of public at large, of late, try to use such litigations to keep themselves busy and their names in circulation, despite having really become defunct in

² AIR 2004 SC 1923

³ (1995)ILLJ622SC

⁴ [1994]1SCR857

⁵ 1996CriLJ3983

actual public life and try to smear and smirch the solemnity of court proceedings. They must really inspire confidence in Courts and among the public, failing which such litigation should be axed with heavy hand and dire consequences.

Though the said judgment relates to Public Interest Litigation, petitioner No.1 herein filed the present petition against the persons unconcerned either with the main case or other cases and sought for transfer of the petition for one reason or the other without indicating his intention for claiming such relief. However, C.C.SR.No.7025 of 2017 is pending on the file of this Court and it is at pre-registration case, filing such application for transfer invoking Section 407 of Cr.P.C. is a sheer abuse of process of the Court since this Court has no jurisdiction to transfer the petition pending at pre-registration stage or at post registration state to any other Court. Under Section 407 of Cr.P.C. this Court can exercise power to withdraw and transfer any case pending before the subordinate Courts under control of the High Court and not the case pending before the High Court. Therefore, this Court cannot exercise such power under Section 407 of Cr.P.C. to withdraw the case pending before this Court and transfer to any other High Court or Supreme Court. Hence, I find that it is a frivolous and vexatious petition.

In the present case, the petitioner No.1 arrayed various highest constitutional authorities of India and the neighbouring country of Pakistan denouncing the prestige of constitutional authorities and demeaning the esteem of such constitutional authorities including the Chief Justice of this Court and other sitting judges. If such practice is not curbed at the threshold, the

Courts will become privies to such practices. Therefore, I find that it is appropriate to impose suitable costs for filing such vexatious and frivolous petition against several constitutional authorities. Taking into consideration of the facts and circumstances of the case, the present petition is liable to be dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand only)

In the result, the petition is dismissed. The petitioner No.1 is directed to pay Rs.50,000/- (Rupees Fifty Thousand only) to the Andhra Pradesh State Legal Services Authority within two (2) months and file receipt evidencing payment before the Registrar (Administration). If the costs are not paid within two (2) months, the Registrar (Administration) is directed to take appropriate steps to recover the same as the arrears of Land Revenue.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

22.11.2017
Ksp