

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18079 of 2018

Pawan Kumar Jain

... Petitioner

Vs

1. The Superintendent of Police
Vellipalayam
Nagapattinam District-611 001.

2. The Deputy Superintendent of Police
Mayiladuthurai - 609 001.

3. P.G.Thyagarajan

4. N.Radhakrishnan

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to restrain the 1st and 2nd respondents from receiving complaints from the 3rd and 4th respondents against the petitioner regarding issues that have already been enquired into and closed.

For Petitioner : Ms.Mathuvanthi Mathavan

For Respondents : Mr.C.Raghavan

Government Advocate (Crl. Side)

For R1 & R2

ORDER

It is the case of the petitioner that the third and fourth respondents are sending complaints against the petitioner to the first and second respondents and therefore, this petition has been filed seeking a direction to the first and second respondents not to entertain any complaint that is likely to be given by the third and fourth respondents.

2. Heard Ms.Mathuvanthi Mathavan, learned counsel for the petitioner, who submitted that the power under Section 482 Cr.P.C. is so enormous, and such injunction as sought by the petitioner can be granted. Further, according to the learned counsel for the petitioner, the expression in Section 482 Cr.P.C. "otherwise to secure the ends of justice" is so wide that the power under the said Section can be invoked by this Court even for ordering police protection in a case of this nature.

3. I am unable to persuade myself to agree with this view, in the light of the categorical judgment of a Division Bench of this Court in K.Rajamanickam and others vs. State of Tamil Nadu, Inspector General and Superintendent, Central Prison [2015 (3) MWN (Cr.) 379 (DB)] which principle has been upheld by the Supreme Court in State of Punjab vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], the relevant paragraphs of which read thus:

"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."

In the result, this petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
Vellipalayam
Nagapattinam District-611 001.
2. The Deputy Superintendent of Police
Mayiladuthurai - 609 001.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.G.R.Associates, Advocate, S.R.No.47191

Cr1.OP.No.18079 of 2018

(CO)
GSP (27/07/2018)



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