

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20628 of 2018

ORDER: *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the writ petitioner, who is stated to be an Advocate.

2. In a bunch of writ petitions, W.P.No.22561 of 2008 and connections, a learned Single Judge of this Court found it necessary to call for a report on allegation of institution of the writ petitions in the names of fictitious persons. A report was submitted by the Registry. Ultimately, the learned Single Judge passed a common order on 04.07.2017 recording that FIR.No.235 of 2016 has already been registered and directed the Registrar (Judicial) to lodge a complaint with the police for investigation and take appropriate action in accordance with law, touching matters, in particular, which are stated in that order. Thereafter, the said common order insofar as it related to W.P.No.2293 of 2017 was recalled through order dated 31.07.2017 in W.P.M.P.No.31431 of 2017. Obviously therefore, the said common order continues to hold good insofar as the other writ petitions are concerned. Thereafter, the writ petitioner moved this Court seeking a direction on the premise that the jurisdictional police are not acting in conformity with the direction of the Additional Chief Metropolitan Magistrate to register an FIR. This Court dismissed that writ petition

by order dated 08.06.2018. Before proceeding further, we may here and now record and alert ourselves that both the aforesaid orders are judicial orders and they have become final.

3. Now, the petitioner has moved the writ petition in hand by pleading that he has made representations which, essentially, are intended to bring on record that he is not a wrongdoer. He accordingly wants a direction to the Registrar (Judicial) of the High Court to consider the same. He also wants the complaint lodged against him to be withdrawn and a CBI enquiry into the matter.

4. A reading of this writ petition, W.P.No.20628 of 2018, itself would show that the allegations levelled by the petitioner against the investigating agency as well as different other persons are not matters which could be debated upon and decided on the basis of assertions or denials through affidavits in a writ Court. That position notwithstanding, issues sought to be raised in relation to matters in criminal jurisdiction should be confined to the authority under Article 227 of the Constitution or under Section 482 of the Code of Criminal Procedure. Article 226 of the Constitution is not a spade to open up broad vistas and seek indulgence in all matters through the judicial review process. We say this, in the particular context on hand, because the earlier judicial orders which we have noted above have become final. To our query, the learned counsel for the petitioner says that one of those orders has also been subjected to a Special Leave Petition before the Honourable Supreme Court of India.

5. With the aforesaid, we are of the view that the arms of this Court would not extend to interfere with the actions being proceeded with by the State police through investigation or with the proceedings which are with the judicial authorities under the Code of Criminal Procedure in the instant case. We therefore decline jurisdiction and refuse to entertain this petition under Article 226 of the Constitution.

In the result, this Writ Petition is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

July 12, 2018.

v v/kvni