

Petitioner Vs. Respondent

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Court : Chennai Madurai

Decided On : Feb-23-2016

Judge : P.N. Prakash

Appeal No. : Crl. O.P. (MD) No. SR4789 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

1. It may be necessary to state the bare facts that are required for deciding about the maintainability of this petition.
2. The case of the petitioner is that the 5th respondent has registered a case in Crime Nos.34 and 37 of 2014, but did not conduct proper investigation and has perfunctorily closed the cases as mistake of fact. In this petition filed under Section 482 Cr.P.C., the petitioner prays for a direction to the State and Central Governments to take action against the Superintendent of Police, Madurai District and the Inspector of Police, Anti Land Grabbing Cell for not properly conducting the investigation of the said two cases. Registry of this Court entertained certain doubts about the maintainability of this petition under Section 482 Cr.P.C. and hence, the matter was posted before this Court for deciding the said issue.
3. Heard the Party-in-Person, who reiterated his stand by contending that such direction is permissible under Section 482 Cr.P.C. Section 482 Cr.P.C. reads as

follows:

482. Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

4. A Division Bench of this Court in K.Rajamanickam and others vs. State of Tamil Nadu , reported in 2015 (3) MWN (Cr.) 379 (DB), analyzed the two limbs of Sections 482 Cr.P.C., namely, (1) to make such Orders as may be necessary to give effect to any Order under Code and (2) to make such Order as may be necessary to prevent abuse of process of any Court or otherwise to secure ends of justice and held that the power under Section 482 Cr.P.C. can be used only to give effect to the judicial Orders. Taking action against the respondents 4 and 5, as prayed for by the petitioner, is therefore beyond the scope of Section 482 Cr.P.C.

In the result, the objection raised by the Registry is upheld and the petition is dismissed as not maintainable.

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