

**HIGH COURT OF MADHYA PRADESH:**  
**MAIN SEAT AT JABALPUR**

(DIVISION BENCH: HON. SHRI S.K. SETH  
AND HON. SHRI ANURAG SHRIVASTAVA, JJ)

**Misc. Criminal Case No.27361/2017**

Radheshyam Soni

Applicant/s

V E R S U S

State of M. P., Through-Special Police  
Establishment, Bhopal & Another

Respondent/s

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Shri Narendra Nath Tripathi,  
counsel for the applicant.

Shri Pankaj Dubey, Standing  
counsel for the respondent  
No.1/Lokayukt.

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Whether approved for reporting - **Yes**  
Law Laid Down - **Scope under Section 482**  
**of the Cr.P.C.**  
Significant Paragraphs - **9** and **10**

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**O R D E R**

**(16.01.2018)**

**Per Seth, J.**

Arguments heard on the  
question of admission.

In this petition under Section  
482 of the Code of Criminal  
Procedure, 1973, applicant is seeking  
quashment of F.I.R. dated 28.11.2015

registered by the Special Police Establishment-Lokayukt, Bhopal as well as criminal proceedings in Criminal Case No.09/2016 pending before the Special Judge (Prevention of Corruption Act), Chhindwara.

**2.** On the basis said F.I.R., Crime No.571/2015 has been registered against the applicant for offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

**3.** In brief, the case of prosecution is that applicant is an L.D.C. and demanded bribe of Rs.1,500/- from an Assistant Teacher for releasing his monthly salary. He was caught red-handed and thereafter F.I.R. was registered. A complaint was made in writing against the applicant and on the basis of said complaint, investigation started.

**4.** After investigation, *challan* has been filed and charges have been framed. Trial Court has accordingly recorded the evidence of prosecution witnesses.

5. Learned counsel for the applicant submits that learned trial Court has committed an error in framing the charges against the applicant and prays that applicant be discharged from the charges levelled against him.

6. On the other hand, learned Standing counsel appearing for the respondent No.1/Lokayukt submits that sufficient material is available on record to frame the charges against the applicant.

7. We have heard rival contentions at length and perused the record.

8. It is well settled principle of law that if the allegation made in the F.I.R. are taken at their face value and accepted in their entity constituted offence, the criminal proceedings instituted on the basis of such F.I.R. should not be quashed.

9. In the case of "**Arun Shankar Shukla Vs. State of U.P.**" reported in

**AIR 1999 SC 2554**", it has been held by their Lordships as under:-

"It is true that under Section 482 of the Code, the High Court has inherent powers to make such orders as may be necessary to give effect to any order under the Code or to prevent the abuse of process of any Court or otherwise to secure the ends of justice. But the expressions "abuse of the process of law" or "to secure the ends of justice" do not confer unlimited jurisdiction on the High Court and the alleged abuse of the process of law or the ends of justice could only be secured in accordance with law including procedural law and not otherwise. Further, inherent powers are in the nature of extraordinary powers to be used sparingly for achieving the object mentioned in Section 482 of the Code in cases where there is no express provision empowering the High Court to achieve the said object. It is well nigh settled that inherent power is not to be invoked in respect of any matter covered by specific provisions of the Code or if its exercise would infringe any specific provision of the Code."

10. The powers possessed by the High Court under Section 482 of the Code are very wide and very plenitude of the power requires great caution in its exercise, when such exercise is justified by the tests specifically specified in the Section itself.

11. In view of the principle of law enunciated by the Supreme Court in Arun Shankar Shukla (**supra**), we are conscious to ourself imposed limitations to torpedo the criminal prosecution in the mid-session. It is not one of those rarest of rare case, which calls for exercise of inherent powers. Thus, we find no merit and substance in the petition, therefore, present M.Cr.C. under Section 482 of the Cr.P.C. is hereby **dismissed**.

12. Ordered accordingly.

(S.K. SETH)  
JUDGE

(ANURAG SHRIVASTAVA)  
JUDGE

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