

CJ & MNPJ:

21.07.2020

SUO-MOTU CRIMINAL PETITION

We are passing this order for initiating *suo-motu* proceedings under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C').

2. One Sri. C.M. Manjunath has filed a complaint under Section 200 of Cr.P.C., to which one Sri. Vijaya Kumar S.Jetla, presently working as a Civil Judge and JMFC, Hagaribommanahalli in Ballari District is shown as Accused No.1. The allegation in the complaint against the said Judicial Officer and other nine persons arraigned as accused is of commission of offences punishable under Sections 166, 205, 120-A, 211, 219 and 499 read with Section 34 of Indian Penal Code (for short, 'IPC').

3. The complainant Sri. C.M. Manjunath had filed a complaint on the administrative side addressed to the Chief Justice of this Court making certain grievances against the said Judicial Officer about the alleged statements made by the said

Officer during the course of remand proceedings. A grievance was made about grant of his custody for fourteen days in the remand proceedings. There is also a grievance made as regards dismissal of Protest Petition filed by him. In response to the said complaint dated 27th May 2019, the Secretary to the Chief Justice has replied by a letter dated 13th June 2019 that the remedy available for Sri. C.M. Manjunath is on judicial side. This reply was sent, as grievances were also made regarding dismissal of his Protest Petition and grant of custody for fourteen days.

4. Perusal of the complaint filed by the said Sri. C.M. Manjunath in the Court of Principal District and Sessions Judge, Ballari in PCR No.11/2019 and in particular, paragraph 9 thereof shows that the said complainant is treating the letter dated 13th June 2019 as a permission granted for prosecuting the Judicial Officer. The perusal of the order sheet shows that the complaint is fixed for sworn statement of the complainant. Now the complaint is pending in the Court of Senior Civil Judge and JMFC at Hagaribommanahalli.

5. In view of absolute protection granted to the Judicial Officers under sub-section (1) of Section 3 of the Judges (Protection) Act, 1985, the complaint could not have been entertained and registered as against the Judicial Officer. In view of the law laid down by the Court in the case of ***Popular Muthiah vs. State Represented by Inspector of Police***¹, a High Court can always exercise its inherent jurisdiction under Section 482 of Cr.P.C. in the interests of justice. It is held that inherent jurisdiction can be exercised in substantive as well as procedural matters.

6. If the complaint filed by the said complainant is allowed to proceed further, it will completely set at naught the protection granted to the Judicial Officers under sub-section (1) of Section 3 of the Judges (Protection) Act, 1985.

7. We, therefore, direct the Registrar General to file a *Suo-motu* Criminal Petition under Section 482 of Cr.P.C. praying for quashing the private complaint in PCR No.11/2019 on the file of the Senior Civil Judge and JMFC, Hagaribommanahalli, Ballari, only in so far as the first accused

¹ (2006) 7 SCC 296

mentioned therein, who is the Judicial Officer. The *Suo-motu* Criminal Petition shall be accordingly filed and registered, which shall be placed before the first Court on 27th of July 2020. The Registrar General shall provide an advance copy of the said Criminal Petition to the learned State Public Prosecutor, who is present in the Court today.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

KGR*