Subject Name: Code of Criminal Procedure
Topic Name: Inherent power of High Court in CrPC

Table of Content:-

Introduction..... 1
Didigam Bikshapathi v. State of Andhra Pradesh..... 1
Principles Guiding the Exercise of Inherent Powers..... 1
Restraint and Cautious Application..... 2
Recent Jurisprudential Developments..... 2

Introduction

Section 482 of the Criminal Procedure Code (CrPC) safeguards the inherent powers of the High Courts in India, allowing them to make necessary orders to give effect to any order under the CrPC, prevent the abuse of any court's process, or otherwise secure the ends of justice.

This section does not confer new powers but merely recognizes and preserves the powers inherently possessed by the High Courts before the enactment of the CrPC.

Didigam Bikshapathi v. State of Andhra Pradesh

The Supreme Court in Didigam Bikshapathi v. State of Andhra Pradesh clarified that the inherent jurisdiction may be exercised under three circumstances: to give effect to an order under the Code, to prevent abuse of the process of the Court, and to otherwise secure the ends of justice.

The Court emphasised that there are no inflexible rules governing the exercise of inherent jurisdiction, acknowledging the necessity for courts to have inherent powers to address cases that statutory provisions may not anticipate.

Principles Guiding the Exercise of Inherent Powers

The exercise of inherent powers, though broad, requires careful application to ensure it does not stifle a legitimate prosecution.

The High Court, being the highest court in a state, must exercise this power sparingly, and with great caution, especially in cases where facts are incomplete or hazy, and the legal or factual issues are substantial. Key principles include:

- The inherent power is not exercised as an appellate or revisional authority.

- The powers are to be used sparingly and with caution, grounded in the legal maxim "quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest" (the law does not give anything without giving that without which the thing cannot exist).

- Exercise of this power is justified only by the tests specifically laid down in the section itself and is aimed at doing substantial justice.

Important Links for Judiciary Free Resources (Click on Each to Open Respective Pages)	
Subject Wise Mains PYQ Solution	Essay for Judiciary
Subject Wise Notes	Legal Doctrines
Landmark Judgements	GS Notes
Weekly Current Affair	Subject Wise Prelims PYQ Solution
Free Answer Writing Course	Judgement Writing
Telegram Link	Youtube Link

Restraint and Cautious Application

The Supreme Court's rulings in cases like ***Minu Kumari v. State of Bihar, Janata Dal v. H.S. Chowdhary, and Raghubir Saran (Dr.) v. State of Bihar*** illustrate scenarios where the High Court's power to quash proceedings should be exercised.

These include situations where the allegations, even if taken at face value, do not constitute an offence, or where the legal proceedings are being used for malicious purposes.

The courts have been advised to refrain from quashing proceedings prematurely, particularly when investigations are ongoing and the facts are not yet fully established.

Recent Jurisprudential Developments

In more recent judgments, such as **Paramjeet Batra v. State of Uttarakhand and Vesa Holdings Private Limited v. State of Kerala**, the Supreme Court reiterated the need for the High Courts to be cautious in exercising their jurisdiction under Section 482.



It stressed that criminal proceedings should not be quashed merely because a civil remedy may be available, unless the criminal complaint does not disclose a prima facie criminal offence or is found to be mala fide.

The inherent powers under Section 482 of the CrPC are crucial for the administration of justice, enabling High Courts to intervene effectively to prevent miscarriage of justice. However, these powers demand a high degree of judicial discipline to ensure that the intervention is justified, maintaining the delicate balance between preventing the abuse of legal processes and not thwarting legitimate legal proceedings.