Citation : CDJ 2008 MHC 3834

Court : High Court of Judicature at Madras

Case No : Common Order in Crl.O.P. Nos.15451 and 15981 of 2008

Judges : THE HONOURABLE MR. JUSTICE R. REGUPATHI

Parties : P. Ashok Kumar & Another Versus Inspector of Police, Crime, V3 J.J. Nagar Police Station, Chennai

Appearing Advocates : For the Petitioner: R. Karthikeyan, S. Doraisamy and N. Raja Senthoor Pandian, Advocates. For the Respondent: J.C Durai, Government Advocate. For the Intervener: K.P. Anantha Krishnan, Advocate.

Date of Judgment : 21-08-2008

Head Note :

The Code of Criminal Procedure – Sections 156(3), 200 & 482 – matter relates to recovery of loans by the banks and financial institution and their collusion with Judicial Magistrate to frame criminal cases against the defaulting borrowers – held, though the practice of hiring recovery agents who are musclemen, goondas and thugs has been discouraged by the Apex Court the Financial Institutions continue the strong arm tactics by adopting genius, clever and crooked method of stealthily resorting to criminal law remedies with the help of some unscrupulous black-sheeps in the subordinate judiciary and the Police Department - it is unfortunate that the borrowers concerned are unable to withstand the pressure of money power in collusion with such public servants and in the net result, justice is the causality - those Bankers can be proceeded against since they are the actual offenders/accused under several provisions of the Indian Penal Code - the police are not booking cases against these Bankers/Collection Agents/Brokers when they are zealously entertaining hundreds of complaints every day at the instance of the Financial Institutions - it is upto the Director General of Police to fish out such unwarranted complaints and close the prosecution after receiving opinion from the Director General of Prosecution/Additional Director General of Prosecution/Assistant Public Prosecutors concerned - legitimate prosecution will be allowed to continue - the rulings/observations of the Supreme Court is binding on all the courts and authorities in the country - if an innocent borrower is harassed it is the obligation of the police to protect them and if materials are available the police must register case against such bankers/agents and investigate into the matter in accordance with law - the Registry is directed to withdraw all the cases pending on the file of the Magistrates vide Annexures of the Vigilance Report and call for all the records connected to those cases and transfer the same to the file of the High Court - Registry to place the entire materials and particulars before the Hon'ble the Chief Justice so that orders could be passed for conducting enquiry in those matters - further proceedings of all those cases are stayed till the disposal of the proceedings by the Court.

Cases referred:-
Central Bank of India vs. Ravindra and others (2001 (7) Scale 351),
G. Sagar Suri & another v. State of UP & Others (2000) 2 SCC 636),

Janata Dal v. H. S. Chowdhary & Others (1992) 4 SCC 305),
Indian Oil Corporation v. NEPC India Ltd. (2006) 6 SCC 736),
Roy V.D. v. State of Kerala (2000) 8 SCC 590)

Comparative Citation:
2009 (1) MLJ(Crl) 352

Judgment :

Sensing the derailment of procedure established by law at the bottom level of the subordinate judiciary, in that, some Judicial Magistrates, in collusion with complainant Bankers/Financial Institutions, are in the habit of entertaining complaints relating to matters purely of civil nature and thereby, in abuse of judicial discretion and power, superabundantly passing orders under Section 156(3) Cr.P.C. for investigation of such matters by the police for the undue benefit of the financial institutions, and in some instances they are entertaining similar complaints by themselves under Section 200 Cr.P.C., vigilance enquiries were conducted and reports received and the complaints entertained by them came to be quashed by orders of this Court passed in a number of petitions filed under Section 482 of the Code of Criminal Procedure. In spite of such reaction by this court and repeated directions to the Judicial Magistrates not to refer the complaints/matters of civil nature for police investigation, recently, while dealing with like matters, it has come to light that such illegal trend is still widely in vogue. Since it was deeply felt that the issue relates to the propriety of the subordinate judiciary, by order dated 11.07.2008, the Registrar (Vigilance Cell), High Court, was directed to collect the details with reference to pendency of such cases before the Judicial Magistrate Courts in the State. Shouldered with the arduous task entrusted by this Court, the Registrar continued the job, however, he could not get the requisite particulars within the time stipulated in view of the reason that some of the Magistrates were reluctant to furnish the full-fledged details. Ultimately, subsequent to the strict direction of this Court, statistics and particulars from the courts of Metropolitan/Judicial Magistrates throughout the State could be procured. This Court places on record its deep appreciation for the erstwhile Registrar, Vigilance, and the present Registrar, Vigilance, High Court, Madras, and the Staff of the Vigilance Cell in accomplishing the task entrusted to them by putting in hard labour and almost working round the clock.

2. Annexure-A, B and C available in the vigilance report gives the particulars about the pending cases with regard to credit card transactions, personal loans, Hire Purchase Loans, cheque bouncing cases with IPC. offences etc., and the details of the Magistrates who have taken on file huge number of cases is furnished below:-

"ANNEXURE-A

Chennai

III Metropolitan Magistrate Court, George Town, Chennai : 10293

X Metropolitan Magistrate Court, Egmore, Chennai : 10738

XVII Metropolitan Magistrate Court , Saidapet, Chennai : 3159

XVIII Metropolitan Magistrate Court, Saidapet, Chennai : 171

---

Total 24361

---

ANNEXURE-B

Coimbatore

Judicial Magistrate -III, Coimbatore : 243

ANNEXURE-C

Ramanathapuram

Judicial Magistrate Court, Paramakudi : 156

(Grand Total : 24760) "

The particulars of the Banks/Financial Institutions at whose instance such cases have been taken on file by the Metropolitan Magistrates at Chennai are available in the Vigilance Report and the same is quoted here-under,

III Metropolitan Magistrate, George Town, Chennai

Pending Calendar Cases for the offences under Sections

406 and 420 of I.P.C

X METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

Pending Calendar Cases for the offences under Sections

406 and 420 of I.P.C.

XVII METROPOLITAN MAGISTRATE, SAIDAPET, CHENNAI

Pending Calendar Cases for the offences under Sections 406 and 420 of I.P.C.

XVIII METROPOLITAN MAGISTRATE, SAIDAPET, CHENNAI

Pending Calendar Cases

3. As could be seen from the report, the huge number of the cases entertained by,

a) III Metropolitan Magistrate, George Town, Chennai

b) X Metropolitan Magistrate, Egmore, Chennai;

c) XVII Metropolitan Magistrate, Saidapet, Chennai;

d) XVIII Metropolitan Magistrate, Saidapet, Chennai;

e) Judicial Magistrate-III, Coimbatore; and

f) Judicial Magistrate, Paramakudi, Ramnad,

is quite alarming. To the highest extent, the Magistrate who acted as X Metropolitan Magistrate, Egmore, and as XVIII Metropolitan Magistrate, Saidapet, Chennai, has taken on file totally 10676 (10505 + 171) cases. Most of the pending cases, in particular are the contribution of three Metropolitan Magistrates in the City of Chennai. Almost the borrowers of entire Tamil Nadu have been prosecuted by these Magistrates without any botheration about their territorial jurisdiction. On a perusal of such complaints, I find that, except mentioning of the words 'deceive', 'cheat', 'misappropriation' and 'criminal breach of trust', the prime element viz., fraudulent/dishonest intention of the accused at the time of entering into the agreement for grant of loan with the Bank/Financial Institution, is not present at all. In such matters, where the Bankers/complainants come with a plea that the other party/borrower has committed breach of agreement ie., failed to pay the balance amount, and in doing so, merely uses the words like `cheating', `fraud', `dishonesty', etc., in the absence of emphatic allegation/materials to suggest that there was actually fraudulent intention ab initio on the part of the accused, the court would not agree for charging the breaching party with fraud merely because the complainant uses such expressions and attempts to proceed on that basis. Strikingly, from the materials available with regard to the pending cases, it is seen that, even according to the complainant Bankers/Financial Institutions, valid agreements have been entered into and their grievance is, the accused/borrowers failed to discharge the contractual obligations. Thus, their sole object behind approaching the Magistrates is to procure an order so that they can extract through police the principal amount and whatever rate of interest they charge.

Pausing here, it is relevant to add that, in Central Bank of India vs. Ravindra and others (2001 (7) Scale 351), while considering the issue relating to loan transactions and levy of interest in such matters, due to conflict of opinion, a three-Judges Bench of the Hon'ble Apex Court referred the matter to the Constitution Bench on the following question:-

"What is the meaning to be assigned to the phrases “the principal sum adjudged” and “such principal sum” as occurring in Section 34 of the Code of Civil Procedure, 1908 as amended by the Code of Civil Procedure (Amendment) Act (66 of 1956) w.e.f. 1-1-1957], a question of frequent recurrence and having far-reaching implications in suits for recovery of money, specially those filed by banking institutions against their borrowers, has been referred by a three-Judge Bench of this Court to the Constitution Bench."

In the course of the Judgment, the Hon'ble Supreme Court made some vital observations, which run thus:-

"52. The Banking Regulation Act, 1949 empowers the Reserve Bank, on it being satisfied that it is necessary or expedient in the public interest or in the interest of depositors or banking policy so to do, to determine the policy in relation to advances to be followed by banking companies generally or by any banking company in particular and when the policy has been so determined it has a binding effect. In particular, the Reserve Bank of India may give directions as to the rate of interest and other terms and conditions on which advances or other financial accommodation may be made. Such directions are also binding on every banking company. Section 35-A also empowers the Reserve Bank of India in the public interest or in the interest of banking policy or in the interests of depositors (and so on) to issue directions generally or in particular, which shall be binding. With effect from 15-2-1984 Section 21-A has been inserted in the Act, which takes away power of the court to reopen a transaction between a banking company and its debtor on the ground that the rate of interest charged is excessive. The provision has been given an overriding effect over the Usury Loans Act, 1918 and any other provincial law in force relating to indebtedness.

56. During the course of hearing it was brought to our notice that in view of several usury laws and debt relief laws in force in several States private money lending has almost come to an end and needy borrowers by and large depend on banking institutions for financial facilities. Several unhealthy

practices having slowly penetrated into prevalence were pointed out. Banking is an organized institution and most of the banks press into service long-running documents wherein the borrowers fill in the blanks, at times without caring to read what has been provided therein, and bind themselves by the stipulations articulated by the best of legal brains. Borrowers other than those belonging to the corporate sector, find themselves having unwittingly fallen into a trap and rendered themselves liable and obliged to pay interest the quantum whereof may at the end prove to be ruinous. At times the interest charged and capitalized is manifold than the amount actually advanced. Rule of damdupat does not apply. Penal interest, service charges and other overheads are debited in the account of the borrower and capitalized of which debits the borrower may not even be aware. If the practice of charging interest on quarterly rests is upheld and given a judicial recognition, unscrupulous banks may resort to charging interest even on monthly rests and capitalizing the same. Statements of accounts supplied by banks to borrowers many a times do not contain particulars or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalized. Suffice it to observe that such issues shall have to be left open to be adjudicated upon in appropriate cases as and when actually arising for decision and we cannot venture into laying down law on such issues as do not arise for determination before us. However, we propose to place on record a few incidental observations, without which, we feel, our answer will not be complete and that we do as under:

(1) Though interest can be capitalized on the analogy that the interest falling due on the accrued date and remaining unpaid, partakes the character of amount advanced on that date, yet penal interest, which is charged by way of penalty for non-payment, cannot be capitalized. Further interest i.e. interest on interest, whether simple, compound or penal, cannot be claimed on the amount of penal interest. Penal interest cannot be capitalised. It will be opposed to public policy.

(5) The power conferred by Sections 21 and 35-A of the Banking Regulation Act, 1949 is coupled with duty to act. The Reserve Bank of India is the prime banking institution of the country entrusted with a supervisory role over banking and conferred with the authority of issuing binding directions, having statutory force, in the interest of the public in general and preventing banking affairs from deterioration and prejudice as also to secure the proper management of any banking company generally. The Reserve Bank of India is one of the watchdogs of finance and economy of the nation. It is, and it ought to be, aware of all relevant factors, including credit conditions as prevailing, which would invite its policy decisions. RBI has been issuing directions/circulars from time to time which, inter alia, deal with the rate of interest which can be charged and the periods at the end of which rests can be struck down, interest calculated thereon and charged and capitalized. It should continue to issue such directives. Its circulars shall bind those who fall within the net of such directives. For such transaction which are not squarely governed by such circulars, the RBI directives may be treated as standards for the purpose of deciding whether the interest charged is excessive, usurious or opposed to public policy.

(7) Any interest charged and/or capitalized in violation of RBI directives, as to rate of interest, or as to periods at which rests can be arrived at, shall be disallowed and/or excluded from capital sum and be treated only as interest and dealt with accordingly.

57. In view of the law having been settled with this judgment, it is expected henceforth from the banks, bound by the directives of the Reserve Bank of India, to make an averment in the plaint that interest/compound interest has been charged at such rates, and capitalized at such periodical rests, as are permitted by, and do not run counter to, the directives of the Reserve Bank of India. A statement of account shall be filed in the court showing details and giving particulars of debit entries, and if debit entry relates to interest then setting out also the rate of, and the period for which, the interest has been charged. ....."

(emphasis supplied)

4. In the present matters, it is ex facie apparent that, in spite of having weighed the nature of allegations in judicial scales and thereby knowing fully well that legally they are not supposed to refer the civil disputes for police investigation or take cognizance by themselves, the said Judicial Officers concerned, with ulterior motives and to oblige the demand of the Bankers, illegally imputed criminal flavour to civil disputes, which action is not only inappropriate, and as such legally untenable, but elicits their unwanted intention in aiding one party to intimidate the other party. The basic premise is, once a matter is found to be purely of civil nature, the scope and extent of issues covering the same cannot take on a criminal character, for, both the civil and criminal disputes are mutually exclusive. Obviously, the reason for these Bankers/Financial Institutions trespassing into the area of criminal law remedy is that civil law remedies are time-consuming; further, by obtaining orders for police investigation, they can exert pressure upon the borrowers through police to a considerable extent by imbibing the fear of arrest or being subjected to ignominy at the hands of police and ultimately, with ease, they could collect the principal amount plus the exorbitant rate of interest. In the complaints taken on file, such break-up figures of principal and interest are not mentioned. Unfortunately, the Magistrates, who have been repeatedly advised and guided by the Hon'ble Apex Court to exercise great caution in that regard, have abruptly failed in adhering to such guidance, as a result of which, the immersion of civil disputes with criminal charges is immensely growing with each passing day as reflected in the statistics furnished before this Court. Day in and day out, hundreds of such complaints have been entertained by some of the Magistrates and cognizance is taken. Humanly, it is impossible if there is proper application of mind. Obviously, such cognizance is taken by the Magistrates on the mere request of the Bankers with an ulterior motive and in collusion and conspiracy with them.

5. The other adverse impact of this illegal practice is mounting up of unnecessary cases and thereby the valuable time of the court is wasted and to the dismay of the legitimate litigants, their cases could not be taken up at right time in the usual course. Already, the judicial system in our country is over-crowded with crores of civil and criminal matters at all levels. The Apex Court, in its umpteen number of judgments, has repeatedly cautioned the subordinate judiciary to stem the tide of the expanding use of criminal law in settlement of disputes which are basically of civil nature.

In G. Sagar Suri & another v. State of UP & Others (2000) 2 SCC 636), the Supreme Court held that it is the duty and obligation of the criminal court to exercise a great deal of caution in issuing the process particularly when matters are essentially of civil nature.

That being so, in view of mixing the civil disputes with criminal offences, the aggrieved parties are increasingly invoking the inherent powers of the High Court under Section 482 of the Code of Criminal Procedure to prevent abuse of the process of Court or otherwise to secure the ends of justice. The illegal practice has made the Magistrate Courts breeding points of pendency of unnecessary criminal cases reflecting its adverse effect at all levels upto the Supreme Court.

6. Under the scheme of the Constitution, by virtue of Article 227 commencing with the caption "Power of superintendence over all courts by the High Court", and Section 483 of the Code of Criminal Procedure which runs as follows,

"483. Duty of High Court to exercise continuous superintendence over courts of Judicial Magistrates.

Every High Court shall so exercise its superintendence over the courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by such Magistrates. ",

the High Court is vested with the power of superintendence and control over the subordinate

judiciary. It is the members of the subordinate judiciary who directly interact with the parties in the course of proceedings of the case and therefore, there should not be any malfunctioning of such vital unit either by deviating from the procedure laid down or ignoring the law propounded by the Apex Court and the High Court. Though the members of subordinate judiciary look up to the High Court for the power to control to be exercised with parent-like care and affection, the basis for such superintendence should be,

“Pardon the error but not its repetition”.

When the Magistrates concerned have taken on file 1000s of cases relating to disputes of civil nature in flagrant and blatant violation of the established procedure, is it not high time for this Court to exercise its supervisory jurisdiction to ensure that the system is running on the right track.

Apart from the constitutional provisions, under Section 482 Cr.P.C., the High Court has inherent powers to act ex debito justitiae to do real and substantial justice, prevent abuse of the process of the court and to ensure fair and impartial enquiry/trial. Inherent power under section 482 Cr.P.C. is exercised:

(a) to give effect to an order under the Code;

(b) to prevent abuse of the process of court, and

(c) to otherwise secure the ends of justice.

A. In the decision reported in AIR 1960 SC 866 (R.P. Kapur v. State of Punjab), the Hon'ble Apex Court deduced some categories of cases where inherent power can and should be exercised, viz.,:

(i) where it manifestly appears that there is a legal bar against the institution or continuance of the proceedings;

(ii) where the allegations in the first information report or complaint taken at their face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

B. In Janata Dal v. H. S. Chowdhary & Others (1992) 4 SCC 305), the Apex Court observed thus:

"132. The criminal courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. The powers possessed by the High Court under section 482 of the Code are very wide and the very plentitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles."

C. In the case law reported in Indian Oil Corporation v. NEPC India Ltd. (2006) 6 SCC 736), the Supreme Court referred to the earlier observation made in in G. Sagar Suri's case (cited supra) and remarked thus:-

This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

14. While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, ..... ",

D. The observation made by the Apex Court in Roy V.D. v. State of Kerala (2000) 8 SCC 590) is relevant to be extracted here-under:-

"18. It is well settled that the power under section 482 Cr.P.C has to be exercised by the High Court, inter alia, to prevent abuse of the process of any court or otherwise to secure the ends of justice. Where criminal proceedings are initiated based on illicit material collected on search and arrest which are per se illegal and vitiate not only a conviction and sentence based on such material but also the trial itself, the proceedings cannot be allowed to go on as it cannot but amount to abuse of the process of the court; in such a case not quashing the proceedings would perpetuate abuse of the process of the court resulting in great hardship and injustice to the accused. In our opinion, exercise of power under section 482 CrPC to quash proceedings in a case like the one on hand, would indeed secure the ends of justice."

The position having been abundantly made clear by a catena of decisions of the Apex Court and when there is an established procedure available, if the subordinate courts, deviating from the same, adopt the ugly fashion of ignoring such law and procedure and start acting contrary thereto, then, legal anarchy will prevail and the democratic structure of the country, rule of law and concept of liberty of citizens will be the first casualty. Hence, this Court cannot close its eyes to the arbitrary and capricious exercise of powers, authority or jurisdiction by the officers of the subordinate judiciary. When there is a large scale illegality and the judicial officers concerned are heedless to the repeated guidelines issued by the Hon'ble Apex Court and this Court which ultimately resulted in derailment of the system, on an meticulous analysis, this Court deems it absolutely necessary to suo motu invoke the inherent jurisdiction vested with this Court under Section 482 Cr.P.C. and the supervisory jurisdiction under Sec.483 of the Code and Article 227 of the Constitution of India. In order to do substantial justice, this Court is of the view that all such cases pending before various Metropolitan Magistrate/Judicial Magistrate Courts in the State, as reflected in the statistics furnished by the Registrar (Vigilance Cell) vide Annexure- A, B and C should be directed to be withdrawn and transferred to the file of this Court to initiate proceedings to quash such complaints, whereupon, the same may be decided in accordance with law after hearing the parties. In cases where it is not fit to quash the proceedings, such matters may be remitted back to the Magistrates concerned for enquiry/trial.

7. It must also be highlighted here that the Supreme Court has directed that even when a civil suit is filed, the Banks must furnish in their plaint that interest/compound interest is charged at such rates and capitalized at periodical rests as permitted by directives of the Reserve Bank of India. On a bare perusal of the complaints, I do not find any such averment in the complaints preferred before the Magistrates concerned. Courts and police authorities were taken for granted by the Banks and invariably such statements are not annexed at the time of filing cases/complaints. It is unfortunate that the learned Magistrates who do not have territorial jurisdiction to take on file such cases beyond his/her jurisdiction have passed the orders mechanically. Though the borrowers appeared before court, cases were not conducted in the manner known to law only with a view to facilitate the financial institutions in adopting pressure tactics for collection of dues.

It is also made clear by the Hon'ble Apex Court that the R.B.I. should properly exercise its supervisory role over banking companies and if there is any violation of law/directives/circulars is brought to its notice, it must swing into action by taking appropriate action against the Banks/Financial Institutions concerned. Though the R.B.I. is one of the watchdogs of Finance and

economy of the nation, it is painful to see that such large scale looting from the innocent general public has not been taken serious note of in spite of the strong observations made by the Supreme Court. Many multinational and other Banks like,

a) ICICI Bank

b) HDFC Bank

c) City Bank

d) Kotak Mahendra

e) Centurian Bank

f) ABN Amro Bank

g) Anupam Finance Limited

h) Cholamandalam DBS Finance Limited

i) GE Money Investment Limited

j) HSBC

k) ING Vysya Bank

l) IDBI

m) Reliance Capital Investments Limited

n) SBI Cards

o) TML Finance Limited

p) TATA Motors Limited

q) Development CR. Bank,

and other private parties are indulging in such illegal activities and the watchdog/RBI remains to be a silent spectator. It is pointed out that, on conclusion of the enquiry by the High Court, suitable proceedings will be initiated against those complainants/banks who launched or persisted with the false prosecutions being fully aware that the criminal proceedings are unwarranted and their remedies lie only in civil law and thereby, they will be made accountable.

Though the practice of hiring recovery agents, who are musclemen, goondas and thugs has been discouraged by the Apex Court, the Financial Institutions continue the strong arm tactics by adopting genius, clever and crooked method of stealthily resorting to criminal law remedies with the help of some unscrupulous black-sheeps in the subordinate judiciary and the Police Department. It is unfortunate that the borrowers concerned are unable to withstand the pressure of money power in collusion with such public servants and in the net result, justice is the causality. In fact, those Bankers can be proceeded against since they are the actual offenders/accused under several provisions of the Indian Penal Code. But, I am at a loss to understand why the police are not booking cases against these Bankers/Collection Agents/Brokers when they are zealously entertaining hundreds of

complaints every day at the instance of the Financial Institutions. It is upto the Director General of Police to fish out such unwarranted complaints and close the prosecution after receiving opinion from the Director General of Prosecution/Additional Director General of Prosecution/Assistant Public Prosecutors concerned. Needless to say that legitimate prosecution will be allowed to continue. The rulings/observations of the Supreme Court is binding on all the courts and authorities in the country. If an innocent borrower is harassed, it is the obligation of the police to protect them and if materials are available, the police must register case against such bankers/agents and investigate into the matter in accordance with law.

8. In the light of the foregoing discussion, the following directions are issued:-

(i) The Registry is directed to withdraw all the cases pending on the file of the learned Magistrates vide Annexure A, B and C of the Vigilance Report and call for all the records connected to those cases and transfer the same to the file of the High Court, Madras;

(ii) Registry to place the entire materials and particulars before the Hon'ble the Chief Justice so that orders could be passed for conducting enquiry in those matters;

(iii) Further proceedings of all those cases vide Annexure A, B and C pending on the file of the Metropolitan/Judicial Magistrates concerned are hereby stayed till the disposal of the proceedings by the Court;

(iv) All records including vigilance reports may also be placed before the Hon'ble the Chief Justice for taking appropriate departmental action against the Magistrates concerned in particular III, X, XVII and XVIII Metropolitan Magistrates, Chennai and Judicial Magistrate-III, Coimbatore and Judicial Magistrate, Paramakudi, Ramnad; and

(v) In view of the orders passed for transfer of the pending cases before the Metropolitan/Judicial Magistrate Courts to the file of this Court, the Director General of Police is directed to instruct

a) the police officers, who have received orders from the Magistrates in such cases under Section 156(3) Cr.P.C., and

b) the Station House Officers, who have directly entertained similar complaints in the name of "petition enquiry",

to obtain opinion from the Director General/Additional Director General of prosecutions/ Assistant Public Prosecutors etc. and to file interim/final reports before the jurisdiction Magistrates within a period of two weeks from to-day.

Compliance report is to be filed in this regard within three weeks by the Director General of Police.

9. Post the matters after three weeks.