

**Court No. - 80**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 291 of 2021

**Petitioner :-** Pandit Shubham Mangal @ Shankar Lal

**Respondent :-** State Of U.P. And 8 Others

**Counsel for Petitioner :-** Yogendra Pal Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Raj Beer Singh,J.**

1. The present petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 11.09.2020 passed by Additional District and Sessions Judge, Court No.11, Meerut in Criminal Revision No. 205 of 2018 (Pandit Shubham Mangal @ Shankar Lal Vs. State of U.P. and others), Police Station Kharkhauda, District Meerut as well as order dated 18.04.2018 passed by the Additional Chief Judicial Magistrate-3rd, Meerut in Complaint Case No. 1439 of 2018 (Pandit Shubham Mangal @ Shankar Lal Vs. Samar Pal and others), Police Station Kharkhauda, District Meerut, whereby the complaint filed by the petitioner has been dismissed under Section 203 Cr.P.C.

2. Heard learned counsel for petitioner and learned AGA for State.

3. It has been argued by learned counsel for petitioner that the petitioner has filed an application under Section 156(3) Cr.P.C. which was registered as a complaint case and after that statement of complainant was recorded under Section 200 Cr.P.C. and wife of petitioner was examined under Section 202 Cr.P.C. but the complaint of petitioner has been dismissed under Section 203 Cr.P.C. Learned counsel submitted that there are allegations against the private respondents that they have attacked the petitioner and that respondent no.8 Brijesh Kumar has made a fire and respondent no.9 Amit Kumar has given knife blow and thus, a prima facie case was made out but the complaint was arbitrarily dismissed under Section 203 Cr.P.C. vide order dated 18.04.2018. The said order was challenged in revision but the revision was also dismissed vide impugned order dated 11.09.2020. Learned counsel submitted that both the impugned orders are against facts and law and thus, liable to be set aside.

4. On the other hand, learned A.G.A. for the State has opposed the petition and argued that there is no illegality or perversity in the impugned orders.

5. The instant petition has been preferred under Article 227 of the Constitution of India. It is well settled that in supervisory jurisdiction of this Court over subordinate Courts, the scope of judicial review is very limited and narrow. It is not to correct the errors in the orders of the court below but to remove manifest and patent errors of law and jurisdiction without acting as an appellate authority. This power involves a duty on the High Court to keep the inferior courts and tribunals within the bounds of their authority and to see that they do what their duty requires and that they do it in a legal manner. But this power does not vest the High Court with any unlimited prerogative to correct all species of hardship or wrong decisions made within the limits of the jurisdiction of the Court or Tribunal. It must be restricted to cases of grave dereliction of duty and flagrant abuse of fundamental principle of law or justice, where grave injustice would be done unless the High Court interferes.

6. For interference under Article 227, the finding of facts recorded by the Authority should be found to be perverse or patently erroneous and de hors the factual and legal position on record. (See: Nibaran Chandra Bag Vs. Mahendra Nath Ghughu, AIR 1963 SC 1895; Rukmanand Bairoliya Vs. the State of Bihar & ors., AIR 1971 SC 746; Gujarat Steel Tubes Ltd. Vs. Gujarat Steel Tubes Mazdoor Sabha & ors., AIR 1980 SC 1896; Laxmikant R. Bhojwani Vs. Pratapsing Mohansingh Singh Pardeshi, (1995) 6 SCC 576; Reliance Industries Ltd. Vs. Pravinbhai Jasbhai Patel & ors., (1997) 7 SCC 300; M/s. Pepsi Food Ltd. & Anr. Vs. Sub-Judicial Magistrate & ors., (1998) 5 SCC 749; and Virendra Kashinath Ravat & ors. Vs. Vinayak N. Joshi & ors. (1999) 1 SCC 47).

7. It is well settled that power under Article 227 is of the judicial superintendence which cannot be used to up-set conclusions of facts, howsoever erroneous those may be, unless such conclusions are so perverse or so unreasonable that no Court could ever have reached them. (See: Rena Drego Vs. Lalchand Soni & ors., (1998) 3 SCC 341; Chandra Bhushan Vs. Beni Prasad & ors., (1999) 1 SCC 70; Savitrabai Bhausahab Kevate & ors. Vs. Raichand

Dhanraj Lunja, (1999) 2 SCC 171; and Savita Chemical (P) Ltd. Vs. Dyes & Chemical Workers' Union & Anr.,(1999) 2 SCC 143).

8. In ***Surya Dev Rai Vs. Ram Chander Rai and others*** (2003) 6 SCC 675, it was held that in exercise of supervisory power under Article 227, High Court can correct errors of jurisdiction committed by subordinate Courts. It also held that when subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or jurisdiction though available is being exercised in a manner not permitted by law and failure of justice or grave injustice has occasioned, the Court may step in to exercise its supervisory jurisdiction. However, it also said that be it a writ of certiorari or exercise of supervisory jurisdiction, none is available to correct mere errors of fact or law unless error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or disregard of the provisions of law; or, a grave injustice or gross failure of justice has occasioned thereby.

9. In ***Jasbir Singh Vs. State of Punjab*** (2006 ) 8 SCC 294, the Hon'ble Apex Court held as under:

*"...while invoking the provisions of Article 227 of the Constitution, it is provided that the High Court would exercise such powers most sparingly and only in appropriate cases in order to keep the subordinate courts within the bounds of their authority. The power of superintendence exercised over the subordinate courts and tribunals does not imply that the High Court can intervene in the judicial functions of the lower judiciary. The independence of the subordinate courts in the discharge of their judicial functions is of paramount importance, just as the independence of the superior courts in the discharge of their judicial functions."*

10. It is apparent from the above stated pronouncements that in supervisory jurisdiction of this Court over subordinate Courts, the scope of judicial review is very limited and narrow and even the errors of law cannot be corrected in exercise of such powers. The power enshrined under Article 227 of the Constitution is of judicial superintendence and it cannot be used to upset conclusions of fact, however, erroneous, unless such conclusions are so perverted or unreasonable that no court could have ever reached than.

11. Keeping the aforesaid position of law in mind, in the instant case, it is

apparent that the petitioner has not sustained any injury. It was alleged that he was given a knife blow but no such injury has been shown. Except petitioner no.8 and 9, no specific role has been assigned to any other private respondents. Perusal of record shows that the learned Magistrate has considered entire relevant facts and evidence and complaint was dismissed vide impugned order dated 18.04.2018. The said order has been upheld by the lower revisional Court. Similarly, learned revisional Court has also considered entire facts in detail and dismissed the revision by a reasoned order. Considering entire facts there does not appears any patent illegality, perversity or error of jurisdiction in the impugned orders.

12. Hence, the instant petition is accordingly, dismissed.

**Order Date :- 25.1.2021**

Mohit