



ADMINISTRATION OF CRIMINAL JUSTICE

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ABSTRACT:

In this chapter, the researcher examines the nature of the administration of criminal justice in India and the various agencies that assist in the proper functioning of criminal justice in courts to achieve the constitutional objectives enshrined in the Indian Constitution. The researcher also examines the various factors that contribute to the appropriate functioning of criminal justice in India, which are as follows.

The criminal process is an issue that is important to each system of law in different ways. The process must consider the necessity to preserve public order and defeat crime, which means providing proper safety and a fair trial to those who have been charged. The criminal process is a collection of laws that specifies the actions that must be followed to determine whether or not a person is subject to the penalties of the Criminal Code for suspected behaviour on their part.



KEYWORDS: criminal justice , Indian Constitution , criminal process.

INTRODUCTION

It is crucial to remember that our laws of method depend on sound precepts of common equity, which expect that men ought not to be denounced without being heard, that choices ought not to be reached behind their backs, and that procedures that influence their lives and property ought not to go on while they are absent. They must not be barred from taking part in them in any manner. A process is anything intended to make justice and its goals more accessible. It is an adjectival statute that, by rules of procedure, adds to the Indian Penal Code of 1860 (the Indian Penal Code).

Following up on an offender after committing a crime is about meeting a social need, not about following up on a legal formality or formality alone.

The criminal justice system's overarching goal is to provide a structure for the administration of criminal legislation. Its primary objective is to guarantee that the accused receives a fair and conclusive trial under natural justice principles. Thus, the trial process becomes central to the "Criminal procedure" framework. The primary focus of the research is on criminal functioning in India and, more specifically, within the large and varied arena of the legally prescribed procedure of a criminal trial.

The main objectives of the administration of criminal justice are

- a) To prevent the occurrence of crime
- b) To punish the transgressors and criminals
- c) To rehabilitate the transgressors and the criminals
- d) To compensate the injured as far as possible
- e) To maintain law and order in society

1) To deter offenders from committing any crimes in the future**Procedure for the functioning of criminal justice**

Indian criminal justice is broken down into three parts: investigation, inquiry, and trial. There is a law called the criminal procedure code 1973 that helps people research, test, and practise every crime in the Indian penal code or any other law. Criminal justice is concerned with the adjudication process, applying remedies to people who have had their rights violated, and criminal procedure is concerned with the punishment of people who do this.

Investigation

The police's principal duty is to safeguard the people's lives, liberties, and personal property. These rights are protected by the Criminal Justice System, which assigns significant responsibilities to the police. Law enforcement and criminal investigation are two of their most important responsibilities. The police are entrusted with defending the people's treasured Human Rights. When a person's human rights are threatened or infringed upon, the citizen goes to the police for assistance. Unfortunately, the police's commitment to this effort is not recognised, and only the police anomalies are observed and publicised. The irregularities must be remedied, and the police must be acknowledged for their difficult task in safeguarding people's rights, even at the risk of their own lives.

The police must conduct a thorough investigation, regardless of whether the evidence points in the suspect's favour or against them. The most important factor is the safety and well-being of society. Police policies and legislation must be in place to guarantee that the guilty are quickly arrested and punished, but the innocent are not harassed in the process. The pursuit for truth lies at the heart of the inquiry and the Criminal Justice System as a whole. To attain this goal, the investigators must be properly educated and supervised, and the required scientific and logistical assistance should be made accessible to them.

The police officers themselves are psychologically and ethically obligated to do everything in their power to reduce crime and effectively investigate cases to fulfil the public's expectations. While going through this process, the police often turn to shortcut tactics and display negative characteristics of the police subculture, such as rudeness, third-degree methods, defensiveness in the face of criticism, a lack of innovativeness, etc.

Judges in various criminal cases have shown reluctance to trust the evidence of police personnel, according to the observations of the courts in such situations. On the other hand, other nations do not operate in this manner. The cornerstone of the Criminal Justice System is comprised of criminal investigation. Unfortunately, the laws and the courts do not have confidence in it. Sections 161 and 162 of the Code of Civil Procedure establish that the statements of witnesses interrogated during an inquiry are not admissible in court. The defence may only use them to refute the Information's source and source of origin. The confession given by the accused is likewise inadmissible as evidence in the court of justice. The recorded statements at the earliest possible time usually have the most probative value, but they cannot be presented in court as evidence. It isn't unexpected information that police frequently utilize third-degree strategies during an examination. There are likewise charges that, sometimes, they attempt to stifle reality and set forward deception under the watchful eye of the court because of reasons like defilement or superfluous impacts, political or in any case. Except if the fundamental issue of fortifying the establishment is addressed, the blameworthy keep on getting away

from conviction. Sometimes, even honest people might get involved and rebuffed. Hence, it is important to resolve the issues and reinforce the examination organization.

Standard of Investigation

The term 'investigation' is defined in section 2(b) of the Criminal Procedure Code as All procedures under the Code to gather evidence by a police officer or any other person (other than a Magistrate) authorised in this capacity by the Magistrate".¹ The art of investigation is to find the truth to facilitate detection and prosecution. According to the Supreme Court", the examination process usually includes the following steps:

- 1) Proceeding to the scene of the suspected offender's discovery and arrest;
- 2) Ascertaining the facts and circumstances of the case; and

Cathering proof connecting with the commission of the offence, which might incorporate the assessment of:²

- a. Different people (counting the denounced) and the decrease of explanations into composing, as the official considers suitable;
- b. The hunt of spots and capture of things considered significant for the examination and to be delivered sometime in the not too distant future.
- 3) Formation of the assessment with respect to whether on the materials gathered, there is a case to put the denounced before a Magistrate for preliminary and if so, taking the necessary steps for the same for the filing of a charge sheet u/s 173Cr.P.C.

In India, the grade of police investigation remains low, with much space for Improvement. The Bihar Police Commission (1961) stated with dismay that "no criticism has been aired more uniformly before the Commission during tours and examinations of witnesses as that concerns the low quality of police investigation." Apart from incompetence, public members complained about rudeness, intimidation, evidence suppression, evidence fabrication, and purposeful padding of cases. In a similar spirit, the Punjab Police Commission (1961-1962) criticised the low standard of the police investigation.

Investigation BY A Group

It is not uncommon for just one investigator to handle the investigation when it comes to serious crimes that have consequences across states and countries. Under such circumstances, it is seen that a single mind is not sufficient to meet the present demands of the art and science in investigating whether it is an inspection of the site or picking up the clues and developing them and handling other multidimensional connected concerns.

A team of police is needed to investigate all of these offences. The size and rank of the group are determined by the case's dimensions, with the most senior officer serving as the group's head. Continuity in an investigation, evidence evaluation, and legal application would be ensured in this way. It will also help to prevent or reduce the extent to which police abuse their power of discrimination and increase the level of openness in their investigations.

¹ R.V.Kelkar's Criminal Procedure at P. 119

² AIR 1955 SC 196: 1955 SCJ 283

The rank of the Investigating officer

It's worth noting that the level of the IO who investigates a case impacts the investigation's quality. SI is the minimal requirement for SHOs in the nation. On the other hand, Inspectors are in charge of some of the major police stations. Lower-level officials, such as HCs, ASIs, and the like, have been noted to conduct most investigations. The quality of studies is deteriorating because top police personnel, notably SHOs, do not undertake their investigations.

Investigation in Medico-Legal Services

The Medico-Legal Services play a critical role in investigating and prosecuting criminal activity. The country's Medico-Legal Services are in disrepair. Medico-Legal Services under the State Governments, which are not involved in the criminal justice system, are one of the most significant contributors to this problem. It's not only the medical schools; even forensic medicine departments are underfunded and understaffed. Even the doctors who perform postmortems of corpses and prepare injury reports are sad and low on morale because of the lack of progress. Medico reports must be submitted within a specific time range set by the State Government.

Investigation in Cognizable and Non-Cognizable Cases

Section 2© of the Code characterizes 'Cognizable Offense' and 'Cognizable case' as follows: "Cognizable Offense" signifies an offense for which, and "Cognizable case" suggests a case in which, a cop may, under the First Schedule or some other regulation for the time being in force, capture without a warrant".³

It says that those offenses indicated in the timetable to the Code in which cops can capture without a warrant are cognizable offenses. Be that as it may, when we take a gander at the Schedule, we observe no count of offenses where cops can capture without a guarantee. This is a patent peculiarity. Anyway, the timetable indicates the offenses which are cognizable and which are not. It additionally gives data about discipline for every offense, whether the offense is bailable or non-bailable, and the name of the court where the offense can be attempted. 'Offense' as characterized in Section 2 (n) implies:-

Any demonstration or oversight made deserving of any regulation for the time being in force and remembers any represent regard of which a grumbling might be made under Section 20 of the Cattle Trespass Act, 1871 (1 of 1871).

Under Section 154, any information on a criminal offence received by the police must be reduced to writing, signed by the informant, and recorded in the relevant register. Without the Magistrate's permission, a concerned official must investigate the facts and circumstances of such a matter. An investigation may be ordered if the Magistrate obtains information regarding committing a cognizable offence. If a case is closed without a trial, it saves time and money for the people involved. Non-cognizable offences, on the other hand, fall under a distinct category. 155 of the Penal Code governs their activities and responsibilities. Citizens must report non-cognizable offences to the police station where they were committed, and a police officer must record this information in an appropriate register. In Section 155 that unless the Magistrate orders otherwise, a police officer may not investigate such a matter. The citizen is compelled to submit a complaint with the Magistrate in certain circumstances. The Magistrate will interview the complainant and any witnesses in attendance before deciding whether the case should continue. Crimes such as public workers violating the law to harm another person, election bribery, providing or manufacturing false evidence, escape from custody, and weight and measures-related offences are not recognised.

³ Kelkars Criminal Procedure code

Causing unsuccessful labour, generating heart; purchasing or discarding any individual as a subjugated individual; assault of spouse under 12 years, dishonest misappropriation; cheating; wickedness; imitation; making or utilizing records looking like cash notes or monetary certificates; offenses connecting with marriage, criminal terrorizing, irritating a condition of drunkenness in a public spot, and so on. Infractions such as these have a significant impact on the lives of citizens. Depending on the severity, they might result in jail terms ranging from a few months to life.

Section 194 IPC imposes a death penalty for an offence. The seriousness of the offence and its negative impact on society are considered while determining the penalty level. The offences listed above, however, are not cognizable. Without the Magistrate's permission, such offences should be examined. Everyone who suffers from an offence punishable under the Indian Penal Code is entitled to the same level of justice and treatment. Unreasonable burdens have been put on individuals by classifying a huge number of offences as "non-cognizable," forcing them to conduct their investigations, gather evidence, and present it to the Magistrate. Citizens unfamiliar with court processes will need to hire an attorney to represent them. Witnesses may be reluctant to cooperate with the complainant in certain cases.

Investigating the complaint would be time-consuming. This is a difficult task for a layperson with no background in investigations. Thus, the victims of non-cognizable offences bear severe financial and other costs. This artificial difference between cognizable and non-cognizable offences is unknown to the average person. If the police informed him that it is a non-cognizable offence and that he should go to the Magistrate since he cannot accept such a charge, it would be absurd and unpleasant. It saw that even in cognizable cases, the Police Officers don't engage the protest and send the complainant away, saying that the offense isn't cognizable. The present classification of offenses as cognizable and non-cognizable in light of the ability to capture regardless of a request for the Magistrate did not depend on usual sound standards. Whether in regard of any offense, a capture ought to be made irrespective of the request for the Magistrate not entirely set in stone by applicable principles, for example, the need to take the blamed promptly under care or to keep him from altering proof or from slipping away or the earnestness of the wrongdoing. It is an effect on the general public and casualty and so forth. Many victims of non-cognizable offences do not submit complaints because of the complexity of researching and obtaining proof. They are marginalised and disadvantaged. As a result, the general public has lost trust in the criminal justice system. By designating some offences as non-cognizable, the government denies a huge portion of individuals access to justice. A victim's right to free and equitable legal representation is one of the cornerstones of our society's founding principles. To examine the Police Officer, it is possible to eliminate the difference between cognizable and non-cognizable offences.

As a result, filing complaints about crimes that aren't yet on the books take up a lot of court time. Other court matters may be handled more quickly because of the time saved. Another concern is that this might lead to a rise in bogus and petty complaints. If you're an experienced police officer, you won't have a problem quickly dismissing these ridiculous allegations.

Registration of Cases

Every piece of information relevant to the commission of a cognizable offence must be recorded in accordance with section 154 of the Code of Criminal Procedure. The failure of the police to properly document crimes is a significant grievance against them.

Section 154 of the Indian Penal Code states that the officer-in-charge is the one who would file a complaint against a person who has committed a cognizable offence. The SHO is often conducting investigations, maintaining the peace, and attending court hearings and other official functions. The informants are forced to wait for their return while away from the police stations. In doing so, the informant is subjected to unnecessary stress, and the proof is destroyed. Officers at police stations are becoming more and more used to telling informants who come to file oral complaints to bring written

ones. In addition, the complainant gets a chance to counsel his companions, family members and, in some cases, even legal counsellors and frequently misrepresent the wrongdoing and ensnare blameless people. This, in the long run, had unfavourable impacts at the preliminary. The data should be diminished recorded as a hard copy by the SHO, whenever given orally, with next to no deficiency of time, so the main adaptation of the supposed wrongdoing comes on record⁴

Crime Scène Observation in Investigation

The investigation has various phases, and the crime scene visitation is one of the most significant, except for white-collar crimes, which are possibly the most crucial. Recognizing the importance of this, most state police manuals require that an officer be sent to the crime scene as soon as possible to investigate it, preserve the evidence, and develop a site plan, among other things. Such an examination of crime scenes should be carried out by a forensic scientist, fingerprint specialist, crime photographer, legal counsellor, and so on, rather than merely by a single investigating officer in charge of the investigation. The forensic scientists expressed dissatisfaction because their services were not being used for crime scene visits, resulting in the loss of important forensic evidence. The Investigating Officer shall either make the drawing or plan of the site of the crime himself or, if thought necessary, commission it to be done by a Patwari or an expert. To gather physical evidence from the crime site, the investigating officer should bring along a forensic scientist, a Fingerprint Expert or any other expert in the appropriate subject. The Investigating Officer should preserve the scene of the incident and quickly enlist the assistance of forensic specialists to accomplish the goals mentioned earlier.

Recording of Statements of Witnesses

As a result of this, Section 161 of the Evidence Act deals with examining witnesses by the police during an investigation. Section 162 provides that statements of witnesses recorded by the police are not required to be signed by the witnesses.

Further, such information can be used only to contradict the witness under Section 145 of the Evidence Act with a court. To put it another way, such a declaration cannot be used as a prior statement to substantiate the maker's claims. This stems from the public's mistrust in the police department's ability to be trusted. It has been proposed in this study that many actions be taken to alleviate this mistrust and restore the confidence of the police force. A few instances of these actions are the partition of the examination wing from the rule of peace and law wing, protecting it from political and different tensions so the researching officials can work fair-mindedly, autonomously and boldly by laying out the State Security Commission, as suggested by the National Police Commission Volume VIII Chapter III, expanding the impressive skill and effectiveness of exploring officials, in addition to other things. The need for appropriate amendments to Sections 161 and 162 of the Code to allow the statements of witnesses recorded during an investigation to be regarded on an equal footing with any other earlier statements and used to corroborate or contradict the witness would be justified. Section 161(3) allows the police officer the authority to reduce the witness's testimony to writing at their discretion. The frequent changes in statements made by witnesses throughout an investigation and, more specifically, during a trial are very concerning

As a consequence, a miscarriage of justice has occurred. As a result, current science and technology should be used in criminal investigations wherever possible. An audio or video recording of witness testimony, deathbed pronouncements, and confessions would be a significant and purposeful step in this direction if done correctly.

Unfortunately, the current legal framework does not allow for this. It is acceptable given that these facilities did not exist when the country's founding documents were written. Now that these resources are accessible to the investigative agency, they must be used to their full potential. Section 32

⁴ 41st Report of Law commission in 1969, Vol. I, P. 167, para 14.2

of the Prevention of Terrorism Act, 2002, provides that a police officer with the rank of Superintendent of Police or higher may record a confessional statement of an accused person, either in writing or on mechanical or electronic devices such as CDs, Pendrives, or DVDs, from which sound or images can be reproduced if the officer has the authority. Such evidence has been found acceptable in court and will be used in the trial. Section 18 of the Maharashtra Control of Organized Crime Act, 1999, has a provision identical to this. At the very least, these contemporary approaches may be used to make a start in the treatment of severe patients.

Arrest of Accused

The arrest of a person is dealt with under Chapter five of the Criminal Procedure Code. Section 41 of the Criminal Procedure Code establishes circumstances under which the police may arrest without a warrant. Section 42 authorises a police officer to arrest someone who commits an offence in his presence or who has been suspected of committing a non-cognizable offence. He refuses to provide his identity and address or provides the police with fictitious identities and addresses. Section 43 refers to a circumstance in which a private individual may conduct an arrest. Section 44 pertains to magistrate-authorized arrests. Section 47 authorises a police officer to enter a location if he has grounds to suspect that the subject of the arrest has entered or is inside the location. Section 48 authorises police officers to pursue criminals into areas beyond their authority in India. Section 50 requires the police officer to convey to the arrested individual the specifics of the offence for which he has been arrested. Sections 53 and 54 allow the arrestee's medical examination at the police officer's or arrestee's request. Section 56 requires the arrested individual to appear before the magistrate within 24 hours, excluding travel time.

Despite the constitutional protections included in Article 22 of the Indian Constitution, there are often claims of police officers abusing their arrest authority.

Simultaneously, we are aware that the country's crime rate is increasing for various reasons. Terrorism, narcotics, human trafficking, white-collar crime, and organised crime have grown so pervasive that specific measures at the national and international levels are essential to combat them. As a result, a difficult balance must be found between the interests of society and the accused's rights.

The Indian Penal Code divides offences into four categories, namely;

- a) Non-cognizable and bailable;
- b) Cognizable and bailable;
- c) Cognizable and non-bailable;
- d) Non-cognizable and non-bailable.

Bailable offenses are presently determined in the main timetable to the Code.

A cop can capture in class (ii), for example, cognizable and bailable offenses. This capture is just a specialized one, and the arrested individual is expected to be delivered on bail when he outfits guarantees. The force of capture lies in the classification, (iii) offenses, for example, cognizable and non-bailable offenses, which, it is affirmed, is available to abuse. The force of capture is regularly abused. Aside from experiencing an impressive burden, the individual also loses his picture in the public arena. Nonetheless, an individual associated with being engaged with, or blamed for having submitted an offense, will undoubtedly give his name, address, and such different specifics on request by a Police Officer, and provided that this is genuinely called upon, will be responsible for showing up in the Police Station on any date and time hinted to him by the Police Officer. On his inability to do so, he will be at risk of being captured by such official with the goal that his name, address, or different specifics might be learned.

Remand of Accused by the Police to The Court

(i) Section 167 (2) Cr. P. C. accommodates a limit of 15 days in police care. It is difficult to completely explore genuine wrongdoings, including state implications, within a restricted period.

ii) according to area 167 Cr.P.C., the blamed is at risk to be delivered on bail on the off chance that the charge sheet isn't recorded against him in something like 90 days from the date of his capture. It isn't generally imaginable to examine a case exhaustively inside this period, especially between State or trans-public consequences. These outcomes in the charge engaged with grave wrongdoings being developed bail.

(ii) Under Section 167(2), the blame can't be taken on police authority remand after the expiry of the initial 15 days from the date of his capture. Often, the accused are admitted to Hospitals during police custody on health grounds and stay there for several days. During this period, interrogation of the accused is not possible, and thus the police officer is handicapped in an investigation.

Inquiry**Section 2 (g) code of Criminal Procedure defined the term inquiry as follows:**

An inquiry is a judicial proceeding governed by the magistrate or court to establish whether the further proceedings of the case move to trial.

Inquiry is a legal process initiated to clearance of doubt, finding out the truth or further knowledge regarding the case.

Kinds of Inquiry

Judicial Inquiry

Non-judicial inquiry

Preliminary Inquiry

Local Inquiry

Inquiry into offence.

Inquiry into matters other than offence.

Taking, recording Evidence and marking exhibits by courts

Section 272 to 283 of Crpc read with rules under section XII of General Rules and round Order volume I clarifies taking and recording proof and checking shows by the court in criminal cases. Coming up next are the methods of recording proof.

Section 273: It is obligatory to record all the proof within sight of the blamed when his participation has been administered, and the proof should be taken within sight of a pleader. Section 274: Magistrate will notice the substance of evidence in court language and should be endorsed by the judge.

Trial

Meaning and Definition of Trial

The term "trial" in the Cr.p.c. was not intended by the Legislature to have a uniform meaning, and its connotation must be interpreted in light of the context and intent of each Section in which it appears.⁵

⁵ Ramjeet v. The State, AIR 1958 All 437 (441).

As defined in Stroud's Judicial lexicon and cited with favour in Asgarali's case, a trial resolves issues in legal procedures, whether civil or criminal, by a competent tribunal. In other terms, practice refers to "the examination of evidence in a law court by a judge and, often, a jury to determine whether an individual charged with a crime is innocent or guilty."⁵ *Sujanbhai Haribhanu Kakde vs. Motiram Gopal Saraf* said that "trial" meant "final hearing of a case comprising of witnesses, submitting papers, and addressing arguments" while "proceeding with a trial" entails "pending stay, making an order, modifying the plaint, and appointing a receiver".⁶

The term "trial" is not defined in the Code. However,⁷ it begins with framing the accusation in warrant cases and explaining the particulars of the offence in summons instances. Whereas the term "inquiry" is defined in Section 2(g) of the Criminal Procedure Code, it refers to any inquiry conducted in Court by a Magistrate or Court other than a trial. The purpose of an investigation is to gather evidence in a case and establish prima facie the truth or falsity of specific facts to take further action. The word 'trial' is not defined in the 1973 Code of Criminal Procedure. The beauty of the draught of legislation amending the Code of Criminal Procedure is that a sophisticated word, such as a trial, is left undefined, but the simpler phrase inquiry is specified. Similarly, the meaning of significant words is postulated so that the phraseology exemplifies the term's total connotation. For instance, the term "summons-case," which is not defined but is stated "in Sec.2(w) summons-case," refers to a case involving an offence that is not a warranty case.

Thus, as can be deduced from the preceding meaning and definition of the term "trial," the term "trial" in the Code of Criminal Procedure was not intended by the legislators to have a strict or limited meaning, but rather to have a meaning that could be accepted in the required context and need to that.

Trial of accused

Four modes of a trial are provided in the Code, viz., practice before a Court of Sessions, a trial of Warrant cases by Magistrates, a trial of summons cases by Magistrates and summary trials.

The Sessions Court is responsible for the prosecution of more severe offences. In warrant proceedings triable by Magistrates, a detailed process is followed, almost identical to the Sessions Court. In comparison, summons matters are resolved more transparently and reasonably. The summary method is similar to the summons procedure and must be followed in all summons cases and a few additional offences.

The Public Prosecutor always prosecutes before a Sessions Court. The process begins with the prosecutor's presentation of the case against the defendant. After studying the evidence and any representations made by the defendant, the Sessions Judge must determine sufficient reasons to proceed against him. If the Judge believes there are insufficient grounds to continue against the accused, they must be discharged after providing reasons for their decision. Otherwise, if there are sufficient reasons, the accused shall be charged. An account is a formal allegation containing all pertinent data concerning the alleged offence committed by the accused. Unless there is a charge against him, the accused cannot successfully defend himself. If the defendant enters a plea of guilty to the accusation, the Judge has the authority to convict him accordingly. If he fails to do so, a date is set for the prosecution's case to be heard, and the accused has the chance to cross-examine prosecution witnesses. If the judge concluded insufficient evidence to sustain the trial, the accused should be acquitted. If the court discovers any admissible evidence against the accused and hence does not give an order of acquittal, the accused is summoned to offer his defence. After the defence case is heard, the prosecutor summarises his case, to which the defence attorney is entitled to respond. After hearing the legal

⁶ AIR 1957 SC 503 (509)

⁷ Oxford Advanced Learner's Dictionary of current English, 1368 (Oxford University Press, 4th Edition, 2006) AIR 1980 Bombay 188

arguments, the judge shall decide on the matter. In the event of conviction, the Judge may either impose probation according to section 360 of the Cr.P.C. or impose any other penalty permitted by law. However, the Judge is required to hear the defendant on the issue of sentencing.

Since the article is to dispense equity and to convict the liable and safeguard the honest, the preliminary should be a quest for reality and not about over details, and be directed under such principles as will protect the guiltless and rebuff with the verification of charge which feels somewhat doubtful and should spend upon legal assessment of the entirety of the proof, oral and Circumstantial and not by confined scrutiny”⁸, The Apex Court has categorically held that the High Courts, in the exercise of its inherent powers under Section 482 of Cr.P.C., has to quash the proceedings in criminal cases in rarest of rare cases with extreme caution.⁹ A Three judge Bench of the Apex Court laid certain conclusions to exercise powers by High Courts under Section 482 of Cr.P.C. and also Article 226 of the Constitution of India¹⁰

⁸ Hinand Singh Sabharwal v.State of M.P. and others (2008) ALD (Crl.) 865 (SC)

⁹ Skoda Auto Volkswagen India Pvt. Ltd. V. The State of Uttar Pradesh (AIR 2021 SC 931),

¹⁰ M/s Neeharika infrastructure Pvt Ltd Y Sitate of Maharashtra