

Kurukshetra University and Another

Vs

State of Haryana and Another

Criminal Appeal No. 480 of 1976

(Y.V. Chandrachud, P.K. Goswami, P.N. Shinghal JJ)

22.03.1977

JUDGMENT

CHANDRACHUD, J. -

1. The Kurukshetra University, which is one of the appellants before us, filed a first information report through its Warden in regard to an incident which is alleged to have taken place on the night between 25th and 26th of September, 1975 in one of the University hostels. Acting on that report, the police registered a case under Sections 448 and 452, Penal Code, against respondent 2, Vinay Kumar. But before any investigation could be done by the police, respondent 2 filed a petition in the High Court of Punjab and Haryana praying that the First Information Report be quashed. The High Court, without issuing notice to the University, quashed the First Information Report by its judgment dated December 22, 1975 and directed respondent 1, the State of Haryana to pay a sum of Rs. 300 by way of costs to respondent 2. The University asked for a review of the order since it had no notice of the proceedings, but that application was dismissed by the High Court, giving rise to this appeal.
2. It surprises us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, it could quash a First Information Report. The Police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the F.I.R. It ought to be realized that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.
3. While quashing the F.I.R., the High Court went out of its way and made observations concerning the University's power to enforce discipline in its campus. The High Court seems to feel that outsiders can with impunity flout the University rule that no outsider shall stay in a University hostel. Such a view is plainly calculated to subvert discipline in a sphere where it is most needed. We are clear that the High Court ought not to have made these observations without, at least, giving a hearing to the University.
4. We, therefore, allow this appeal and set aside the judgment of the High Court including the order asking the State of Haryana to pay the costs amounting to Rs. 300 to the respondent.
5. Mr. Mukherjee, who appears on behalf of the University, happily assures us that the University will not pursue the complaint against respondent 2. No further steps need, therefore, be taken by the police to investigate into the complaint. It must, however, be clearly understood that the police are

under an obligation to investigate into complaints filed by the University, whenever law casts upon them that obligation. The Special Leave Petition filed before us states in Paragraph 18 that after the judgment of the High Court it has become impossible for the University to maintain law and order in its campus as the police have been obdurately refusing to accept any complaint lodged by the University against ex-students and outsiders who enter the campus at any time of the day and night, and stay in the hostels without the necessary permission. It is the bounden duty of the police to record the complaints lodged by the University and to inquire into them in accordance with law. If any cognizable offence is disclosed, the police cannot refuse to act on the complaint lodged by the University for the reason merely that the orders issued by the University are not binding on outsiders.

</html