

Criminal Procedure Code, Section 397(2) , [482](#) – Section 397(2) of the Cr.P.C provides that the High Court’s powers of revision shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding – Whereas Section 482 of the Cr.P.C provides that nothing in the Cr.P.C will limit the High Court’s inherent powers to prevent abuse of process or to secure the ends of justice – Hence the High Court may exercise its inherent powers under Section 482 to set aside an interlocutory order, notwithstanding the bar under Section 397(2) – However it is settled law that this can only be done in exceptional cases – This is, for example, where a criminal proceeding has been initiated illegally, veraciously or without jurisdiction – [Companies Act S. 452](#) – [Companies Act S. 630](#). See *Madhu Limaye v. State of Maharashtra*, (1977) 4 SCC 551.

Held, In the present case, the order of the Magistrate under Section 630(2) was an interlocutory relief based on a prima facie assessment of facts and did not conclusively decide the ongoing trial under Section 630(1). If the Magistrate finds that the appellant company has been unable to prove that the 2nd Respondent was wrongfully withholding possession of the property, such interlocutory relief shall stand vacated. In light of the above discussion, it is clear that there was no exceptional case of illegality or lack of jurisdiction in the interlocutory order of the lower court calling for the exercise of the inherent powers of the High Court under Section 482, Cr.P.C.

Read Judgment: [2020 Scej 34](#)