

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.879 of 2017

ORDER:

This criminal petition is filed by the petitioners seeking to quash the proceedings in DVC.No.16 of 2016 on the file of the III Additional Judicial Magistrate of First Class, Ongole.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for respondent No.1 and with their consent, the criminal petition is disposed of at the admission stage.

3. This Court in CRLP.No.534 of 2017 dated 13.10.2017 has elaborately discussed and dealt with regard to the exercise of inherent powers under Section 482 of the Criminal Procedure Code and held as under:

“6. The principles laid down by the Supreme Court in the decisions cited above are foremost in the form of caution and next in the form of suggestion or advice. The caution has come by holding that Section 482 Cr.P.C. has to be used sparingly though the powers are wide. The substance of all the decisions is that when taking on its face value, if the complaint does not disclose any offence committed by accused; if there is abuse of process of law and if ends of justice are need to be secured otherwise, the power under Section 482 Cr.P.C. can be exercised.

8. ... Apart from all that is said on the inherent powers, I understand that inherent powers are conferred on courts to meet a situation where no specific provision is made under the law for redressal of a grievance. It is only when there is no provision and when the court sees a situation of injustice, to address the same, Courts need to summon the powers which are inherent.”

Hence, in view of the above, the criminal petition is dismissed.
As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 20, 2017
DSK

T. RAJANI, J

