

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No. 5221 of 2011

ORDER:

This petition is filed seeking for quash of proceedings in C.C.No.76 of 2011 on the file of the Court of the Mobile Judicial Magistrate of First Class, Kadapa.

2. Heard the counsel for the petitioners and the Public prosecutor for respondent No.1. The counsel for respondent No.2 does not appear in spite of notice. With their consent, the criminal petition is disposed of at the admission stage.

3. The counsel for the petitioners submits that except omnibus allegations against these petitioners, no specific allegations are made against them.

4. *Per contra*, a perusal of the complaint shows that specific allegations are made against the petitioners by mentioning the names of all the petitioners as having participated in the demand of dowry. The contention of the petitioners' counsel is that when they are not the family members, the allegations made against them with regard to the demand of dowry cannot be made. But the contents of the complaint show that the accused have come and stayed in the house of in-laws of the complainant and that they have been harassing her.

5. When such is the nature of the allegations, in the considered opinion of this Court, the question of exercise of powers under Section 482 Cr.P.C. does not come in. It is only in

the rarest of rare cases that the powers under Section 482 Cr.P.C. need to be exercised. However, the plea of the petitioners' counsel to dispense with the presence of the petitioners can be considered and the Court below is directed not to insist upon the presence of the petitioners unless it is necessary for the proceedings of the case.

With the above observations, the Criminal Petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 9, 2017
LMV

T. RAJANI, J

