

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7993 of 2010

ORDER:

The petitioners are A.2 and A.3 of C.C.No.421 of 2009 on the file of II Additional Chief Metropolitan Magistrate, Vijayawada where the learned Magistrate taken cognizance for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961 which is outcome of crime No.447 of 2008, on the report of the 2nd respondent-defacto complainant no other than wife of the 1st petitioner/A.1.

The police after investigation filed final report and the learned Magistrate taken cognizance for the offence. At the post cognizance stage, the quash petition is filed.

The petitioners can raise all these contentions before the trial Court at the stage of hearing before charges, if necessary by filing application under Section 239 Cr.P.C. and it is also left open to file application under Rule 37 of the Criminal Rules of Practice to consider after hearing for one to represent others.

While vacating the stay granted on 20.08.2010 by this Court in CrI.P.M.P. No.7402 of 2010 and for no grounds to quash the proceedings and in view of the order of this court dated 31.07.2017 in CrI.P.No.6493 of 2017 relying upon the latest two Judge Bench expression of the Apex Court dated 27.07.2017 in CrI.A.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. & Another**)¹, the matter requires to be referred by the learned trial Magistrate to the Committee to be constituted for

¹ 2017 (2) ALT (CrI) 393 SC

report to consider any reconciliation and settlement and if it is not settled, then to proceed with trial on merits.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 31.08.2017
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