

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7520 of 2017

ORDER :

The petitioners are accused Nos.1 to 5 of C.C.No.1912 of 2016 on the file of the Special Judicial First Class Magistrate (for Prohibition and Excise Offences), Nalgonda, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961, which is outcome of Crime No.48 of 2016, dated 12.07.2016, of Station House Officer, Women Police Station, Nalgonda District, on the report of the 2nd respondent-*de facto* complainant, no other than wife of petitioner No.1/accused No.1.

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

3. The petitioners can raise all the 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.

4. 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.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & others v.**

State of U.P. & another), the matter requires to be referred by the learned trial Magistrate to the Committee to be constituted for report to consider any reconciliation and settlement and if it is not settled, then to proceed with trial and decide on merits.

5. Accordingly and in the result, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand closed.

7th September 2017.

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Dr. B. SIVA SANKARA RAO, J

