

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.45 of 2017

ORDER:

This petition is filed by the petitioner/ accused under Section 407 Cr.P.C., seeking transfer of C.C.No.483 of 2015 on the file of the Judicial First Class Magistrate, Dhane, Kurnool District, to any other competent Court at Hyderabad. The said C.C. is an outcome of the report of the 2nd respondent/de facto complainant, registered for the offences punishable under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act

Heard both sides.

Admittedly, the petitioner herein is the husband of respondent No.1 herein. There are basically no grounds to transfer the said C.C. since the 2nd respondent is opposing the transfer petition. Since petitioner/ A1 was working in Australia, the case against his parents/ A2 and A3 is split up and numbered as C.C.No.342 of 2012, which was ended in conviction and it is not a bar for referring the matter, as per the latest expression of the Apex Court in Rajesh Sharma & Others Vs. State of U.P. & Another), to consider any possibility of settlement of the long pending dispute between the couple. Hence, the learned trial Magistrate shall refer the matter 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 on merits.

Accordingly, the Transfer Criminal Petition is disposed of. The petitioner is at liberty to file an application under Section 205 Cr.P.C. to represent through special vakalat holder and the learned Magistrate shall hear and pass orders by considering the same with necessary conditions.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.09.2017
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