

THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION NO.7089 OF 2017

ORDER:

The petitioners are A-1 to A-4 of C.C.No.354 of 2016 on the file of the XIV Metropolitan Magistrate, at L.B.Nagar, Ranga Reddy District, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, which is outcome of Crime No.171 of 2016 dated 23.08.2016, on the report of the second respondent-*de facto* complainant no other than the wife of the first petitioner/A-1.

The police, after investigation, filed final report and the learned Magistrate taken cognizance for the said offences. 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 of the Code of Criminal Procedure 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.

In view of the order of this Court dated 31.07.2017 in CrI.P.No.6493 of 2017 reply 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 Judge 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, and in the result, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

(Dr. B.SIVA SANKARA RAO, J)

16th August 2017
RRB

