

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8707 of 2017

ORDER:

The petitioners are the A.2 to A.5 of C.C.No.623 of 2016 on the file of the II Addl.Chief Metropolitan Magistrate, Vijayawada, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A, 342,354(A) & 506 IPC and Sections 3,4 and 6 of Dowry Prohibition Act, which is outcome of Cr.No.27 of 2016 of Mahila Police Station, Vijayawada, on the report of the 2nd respondent-defacto complainant.

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.

As it is the submission of the learned counsel for the petitioners/A.2 to A.5 that the A.1 is also available and willing to refer the matter to the Committee for report to consider any reconciliation, and settlement and if it is not settled, then to proceed with trial on merits, 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**). Accordingly, the matter is referred to the committee supra.

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.

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: 05.10.2017
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