

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8681 OF 2017

ORDER:

This petition is filed by the petitioners-A1 to A3 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.142 of 2017 on the file of the Addl. Judl. Magistrate of I Class, Armour, which was taken cognizance of the offences punishable under Sections 498-A, 323 and 506 IPC and 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State and perused the record.

3. The petitioners herein are A1 to A3 in C.C.No.142 of 2017 and the de facto complainant, who is the 2nd respondent herein is the wife of A1.

4. Learned Public Prosecutor would submit that the Police Officer investigated the case and filed the charge sheet and it is numbered as indicated above and the case is squarely covered by **RAJESH SAHRMA AND OTHERS V STATE OF U.P. AND ANOTHER.**

5. It is brought to the notice of this Court that charges are not framed.

6. The petitioners-A1 to A3 can raise all contentions before the trial Court at the stage of hearing before charges are framed, if necessary by filing an application under Section 239 Cr.P.C. and it is also open to the petitioners to file an application under Rule 37 of the Criminal Rules of Practice to consider their case to be represented one among them.

7. In view of the orders 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** supra, 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 the trial of the matter on merits.

8. In the result, the Criminal Petition is disposed of accordingly. Any miscellaneous petitions shall also stand disposed of in terms of this order.

DATED: 21-09-2017.
Hsd

DR.SHAMEEM AKTHER, J

