

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7406 of 2017

ORDER:

Heard learned counsel for the petitioners, who are A.3 and A.4 of Crime No.456 of 2017 dated 27.06.2017 on the file of W.P.S Malkajgiri, Rachakonda District, registered for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, which is outcome of the report of the 2nd respondent-de facto complainant and also heard learned Public Prosecutor representing the State before ordering notice to the 2nd respondent. Perused the grounds urged in the quash petition and contents of F.I.R.

It is the submission of the learned Public Prosecutor that the police already completed investigation and filed final report, though he cannot give C.C. number, if at all allotted by the learned Magistrate concerned.

Having regard to the above and 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), 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 on merits.

Accordingly and in the result, the Criminal Petition is disposed of. It is needless to say that if the petitioners are unable to appear personally before the trial Court, they are at liberty to file an application under Rule 37 of the Criminal Rules of Practice for one to represent others or Section 205 Cr.P.C. to represent through special vakalat holder and the learned Magistrate to 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: 01.09.2017
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