

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7279 of 2017

ORDER:

Heard learned counsel for the petitioners/ A.2 and A.3 of S.C.No.41 of 2017 on the file of the V Additional Sessions Judge-cum-Special Court for Scheduled Castes and Scheduled Tribes Cases, Karimnagar, where the report of the 2nd respondent/ de facto complainant daughter-in-law of A2 and wife of A1, dated 01.09.2015 registered as Crime No.328 of 2015, for the offences punishable under Sections 498-A I.P.C. and Section 4 of the Dowry Prohibition Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), from which after investigation filed the final report under some sections and the learned Magistrate taken cognizance and allotted P.R.C. and committed to the Court of Sessions, which allotted Sessions Case number.

The grounds urged in the quash petition are that there is an unexplained delay of even 21 days to the occurrence alleged on 10.08.2015 in giving the report dated 01.09.2015 with no explanation for the delay even from perusal of the F.I.R. and *prima facie*, the ingredients of Section 3(i)(x) of the Act have no application.

Having regard to the above, it is also a fit case to refer the case along with A1, the petitioners/ A2 and A3 pursuant to the

guidelines of the Apex Court in CrI.A.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in Rajesh Sharma & Others Vs. State of U.P. & Another, 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, without prejudice to the right of the petitioners to file discharge application before the trial Court pursuant to this order also under Section 227 Cr.P.C. and if at all charges framed also, liberty is there to invoke the powers given to the trial Court under Section 216 Cr.P.C., if at all there is any alteration of charge required. Needless to say, if an application under Rule 37 of the Criminal Rules of Practice is filed for one to represent others, the trial Court can consider the same on own merits.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 29.08.2017
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