

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7751 of 2017

ORDER:

Heard the learned counsel for the petitioners/A.1 to A.3 in FIR No.7 of 2017 on the file of the WPS Srirampur at Mancherial, Mancherial District, for the offences punishable u/sec.498-A and also Sections 4 of Dowry Prohibition Act, on the complaint of 2nd respondent no other than the wife of the 1st petitioner and daughter-in-law of the petitioners 2 and 3, and the learned Public Prosecutor for the State.

Though the learned Public Prosecutor submits that the police after investigation already filed chargesheet numbered as Calander Case, this case is squarely covered by **Rajesh Sharma & Others Vs. State of U.P. & Another**).

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.

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** 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 trial on merits.

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: 04.09.2017
vvr