

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6816 OF 2017

ORDER:

Heard learned counsel for the petitioners/A-1, A-3 & A-4.

2. A-2, it appears, died as per the submission of the petitioner.

3. The petitioners are A-1, A-3 & A-4 of C.C.No.205 of 2011, on the file of the Judicial Magistrate of First Class, Warangal, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961, which is outcome of Crime No.96 of 2010, dated 05.01.2010, on the report of the 2nd respondent – *de facto* complainant, no other than wife of the 1st petitioner/A-1.

4. The police after investigation filed final report and the learned Magistrate taken cognizance for the offences. At the post cognizance stage, the quash petition is filed.

5. It is the submission that so far, no charges framed. The impugned contention is there was a deed of divorce. Irrespective of the legal sanctity to it to dissolve the marital tie outside the Court, there is an admission therein covered by Clause No.6 to withdraw the Crime No.96 of 2010 *supra* and the continuation of the proceeding is not despite the *de facto* complainant undertook to withdraw is abuse of process. In fact, it is not by any judicial proceeding including by Lok Adalat settlement undertaking such withdrawal recognized. As such this Court *prima facie* cannot rely at this stage to quash the proceedings by observing, as to sub-serve the ends of justice, but for how far such admission

binding on the charge to consider by the trial Court at appropriate stage by reserving such defence in future to the accused and but for, that when there is nothing and even trial not commenced, this is also a case covered by the guidelines of the expression of the Hon'ble Apex Court, dated 27.07.2017, in Crl.A.No.1265 of 2017 (SLP (Crl.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. & another**), and 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.

6. Accordingly and with the above directions, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.



DR.B.SIVA SANKARA RAO, J

Date: 7th August, 2017

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