

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

CRIMINAL PETITION No.6607 OF 2017

ORDER:

The petitioners are A2 to A5 of C.C.No.105 of 2016, on the file of the Judicial First Class Magistrate, Kurnool, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A, 501, 509 IPC and Sections 3 and 4 of Dowry Prohibition Act, which is outcome of Crime No.16 of 2016, dated 15.04.2016, on the report of the 2nd respondent – defacto complainant.

2. When the matter is called, it is the submission of the learned counsel for the petitioners that A1 is available and willing for referring the matter as per the latest two Judge Bench expression of the Hon'ble Apex Court dated 27.07.2017 in CrI.A.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in ***Rajesh Sharma & Others Vs. State of U.P. & another***).

3. 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.

4. 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.

5. 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 Hon'ble Apex Court dated 27.07.2017 in CrI.A.No.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.

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

22.09.2017
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