

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.2492 of 2017

ORDER :

The petitioners are accused Nos.4 and 5 of C.C.No.35 of 2017 on the file of the I-Additional Judicial Magistrate of First Class, Kadapa, where the learned Magistrate taken cognizance for the offences punishable under Sections 498-A and 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, which is outcome of Crime No.37 of 2016 of Women U/G Police Station, Kadapa, on the report of the 2nd respondent-*de facto* complainant, no other than wife of accused No.1.

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

3. The petitioners can raise all the 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.

4. 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.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & others v. 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 and decide on merits.

5. Accordingly and in the result, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

5th September 2017.

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