

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9899 of 2017

ORDER:

The petitioners/accused Nos.1 to 3, 5, 8 to 10 in C.C.No.692 of 2017 on the file of I Additional Judicial Magistrate of First Class, Jagtial, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A, 323, 504 & 506 IPC and Sections 3 & 4 of Dowry Prohibition Act, which is outcome of crime No.235 of 2016, on the report of the 2nd respondent-defacto complainant.

Though there is Section 323 IPC, there is nothing to show from the investigation and final report much less any physical injury evidenced by any doctor certificate.

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.

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 in **Rajesh Sharma & Others Vs. State of U.P. & Another**¹, the matter requires to be referred by the learned trial Magistrate to the Committee to be constituted for

¹ 2017 (2) ALT (CrI.) 393 (SC)

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: 25.10.2017
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