

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9912 of 2017

ORDER:

The petitioners/accused Nos.1 to 3 of C.C.No.404 of 2016 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, which is outcome of crime No.127 of 2015, on the report of the 2nd respondent-defacto complainant.

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 report to consider any reconciliation and settlement and if it is not settled, then to proceed with trial on merits.

¹ 2017 (2) ALT (CrI.) 393 (SC)

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: 26.10.2017
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