THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.12527 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure to quash the proceedings in C.C.No.805 of 2015 on the file of the V Additional Judicial Magistrate of First Class, Nellore, against the petitioners/accused Nos.2 to 5 for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Dealing with similar case in Crl.P.Nos.7686 & 7689 of 2017, this Court passed an order, the operative portion reads as under:

> "The petitioners in Crl.P.No.7686 of 2017 are accused Nos.1 to 4 and the petitioners in Crl.P. No.7689 of 2017 are accused Nos.5 and 6 of C.C.No.444 of 2017 on the file of XXIII Metropolitan Magistrate, Cyberabad at Rajendranagar, where the learned Magistrate has taken cognizance for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961 which is outcome of Crime No.374 of 2017 dated 23.05.2017, on the report of the 2nd respondent-defacto 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 offence. At the post cognizance stage, the quash petition is filed.
>
> 3) 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.
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> 4) In view of the order of this court dated 31.07.2017 in Crl.P.No.6493 of 2017 relying upon the latest two Judge Bench expression of the Apex Court dated 27.07.2017 in Crl.A.1265 of 2017 (SLP (Crl.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. & Another**) [2017 (2) ALT (Crl) 393 SC], 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.
>
> 5) Accordingly and in the result, the Criminal Petitions are disposed of.
>
> 6) Pending miscellaneous petitions, if any, in these Criminal Petitions shall stand closed."

Let there be a similar order even in this case.

In the result, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

(M.SATYANARAYANA MURTHY, J)

18th December 2017
RRB