

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.642 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, seeking to quash the proceedings against him in Crime No.611 of 2017, registered for the offences under Section 498-A of I.P.C. and Sections 3 & 4 of the Dowry Prohibition Act, 1961, on the file of the Chandanagar Police Station, Cyberabad Commissionerate.

2. Heard the learned counsel for the petitioner/accused No.1, learned Assistant Public Prosecutor representing the 1<sup>st</sup> respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.1 would submit that the petitioner/accused No.1 is present in India and that charge sheet is not yet filed in this case and that the instant case is squarely covered by the decision of the Apex Court in *Rajesh Saharma and Others Vs. State of U.P. and Another*<sup>1</sup>

4. In view of the orders of this Court, dated 31.07.2017, passed in Criminal Petition No.6493 of 2017 relying upon the latest Two-Judge Bench expression of the Apex Court, dated 27.07.2017, in Criminal Appeal No.1265 of 2017 (SLP (Crl.) No.2013 of 2017) in *Rajesh Sharma's case supra*, and in view of the fact that the matter is at crime stage, the Investigating

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<sup>1</sup> 2017 (2) ALT (Crl.) 393 (SC)

Officer of the instant crime is directed to refer the matter to the Committee constituted in terms of the above referred decision, for report, to consider any reconciliation and settlement and if it is not settled, then to proceed with investigation of the case.

5. The Criminal Petition is disposed of accordingly.

Pending Miscellaneous Petitions, if any, shall stand closed.

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Dr. SHAMEEM AKTHER, J

24<sup>th</sup> January, 2018  
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