

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1576 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in C.C.No.537 of 2017 on the file of the Addl. Judl. Magistrate of I Class, Nandigama, which was taken cognizance of the offences punishable under Sections 498-A and 506 IPC and 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. The petitioner herein is the accused in the C.C. referred above and the de facto complainant, who is the 2nd respondent herein is the wife of the petitioner-accused.

4. Learned Assistant Public Prosecutor would submit that the Police Officer investigated the case and filed the charge sheet and it is numbered as indicated above and the case is squarely covered by **RAJESH SAHRMA AND OTHERS V STATE OF U.P. AND ANOTHER.**

5. The petitioner-accused can raise all contentions before the trial Court at the stage of hearing before charges are framed, if necessary by filing an application under Section 239 Cr.P.C. and it is also open to the petitioners to file an application under Rule 37 of the Criminal Rules of Practice to consider their case to be represented one among them.

6. In view of the orders 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** supra, 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 the trial of the matter on merits.

7. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 14-02-2018.

Hsd

