

HON' BLE DR JUSTICE SHAMEEM AKTHER

CrI.P. No. 3036 of 2018

ORDER:-

This petition is filed by the petitioners – A2 and A3 under Section 482 Cr.P.C. to quash the proceedings in C.C.No. 31 of 2018 on the file of the Court of III Metropolitan Magistrate, Cyberabad, L.B.Nagar wherein cognizance was taken for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

The petitioners herein are A2 and A3 in the C.C. referred above and the *de facto* complaint, who is the 2nd respondent herein, is the wife of A1.

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

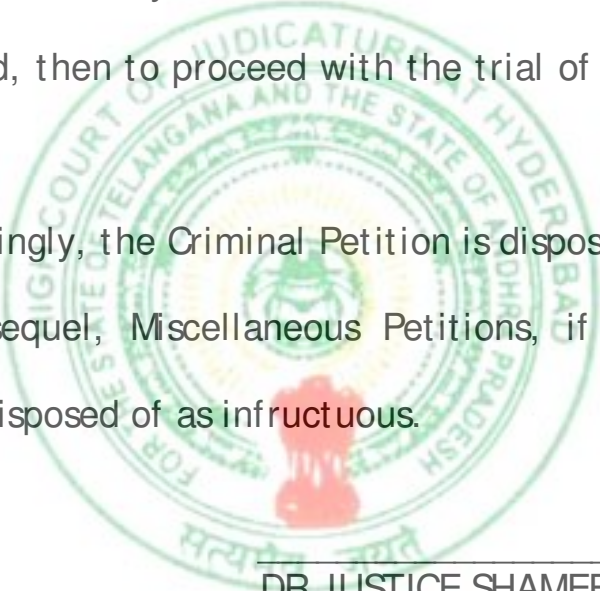
The petitioners – A2 and A3 can raise all contentions before the trial Court at the stage of hearing before charges are framed, if necessary by filing an application under Section 239 Cr.P.C. and it is also open to the petitioners to file an

application under Rule 37 of Criminal Rules of Practice to consider their case to be represented one among them.

In view of the orders 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.No. 1265 of 2017 (SLP (Crl.) No. 2013 of 2017) in RAJESH SHARMA supra, the matter requires to be referred by the learned trial Magistrate to the Committee 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.

Accordingly, the Criminal Petition is disposed of.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



DR JUSTICE SHAMEEM AKTHER, J

13.03.2018

bcj