

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.11396 OF 2017

ORDER:

This petition is filed by the petitioners-A.2, A.3, A.4, A.6 and A.7 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.385 of 2016 on the file of the Judicial Magistrate of First Class, Huzurnagar, which was taken cognizance of the offences punishable under Sections 498-A, 290, 323 and 506 IPC and 3 and 4 of Dowry Prohibition Act, 1961.

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

3. The petitioners herein are A.2, A.3, A.4, A.6 and A.7 in C.C.No.385 of 2016 on the file of the Judicial Magistrate of First Class, Huzurnagar and respondent No.2 herein is the defacto complainant.

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 SHARMA AND OTHERS V STATE OF U.P. AND ANOTHER.**

5. The petitioners 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., if the charges are not framed, 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 by 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.

06.02.2018
DRK



DR.SHAMEEM AKTHER, J

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