

**THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.6820 OF 2017**

**ORDER:**

The petitioners are A1 to A3 of C.C.No.34 of 2017, on the file of the XXI Metropolitan Magistrate, Cyberabad, at Medchal, where the learned Magistrate taken cognizance for the offence punishable under Section 498-A IPC, which is outcome of Crime No.635 of 2015, dated 12.09.2015, on the report of the 1<sup>st</sup> respondent – *de facto* complainant, no other than wife of the 1<sup>st</sup> petitioner/A1.

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.

4. In view of the order of this Court, dated 31.07.2017, in CrI.P.No.6493 of 2017, relying upon the latest two Judge Bench expression of the Hon'ble Apex Court, dated 27.07.2017, in CrI.A.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in **Rajesh Sharma & Others Vs. State of U.P. &**

**another**), 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 with the above directions, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

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**DR.B.SIVA SANKARA RAO, J**

Date: 7<sup>th</sup> August, 2017

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