

SMT. JUSTICE T.RAJANI

Criminal Petition No.2260 of 2017

ORDER:

This petition is filed seeking to quash the proceedings in CC.No.1035 of 2016 on the file of the Judicial Magistrate of First Class, Nandya., Kurnool District.

Heard the learned counsel for the petitioners. The learned Public Prosecutor takes notice on behalf of the 1st respondent, State of Andhra Pradesh. They agree for the matter to be disposed of at the admission stage.

The learned counsel for the petitioners contends that the husband of the complainant is no more; the petitioners herein are the relatives of her husband, mother-in-law, brother-in-law and brother-in-law's wife of the complainant; and distant relative of her husband; the allegations made in the complaint are absolutely false; and the complainant does not have any necessity to reside along with the petitioner, after the death of her husband.

However, these are the questions, which are to be gone into at the time of trial. The complaint, nevertheless, discloses that allegations are made against all the accused. Hence, it is not a case for invocation of powers by this Court under Section 482 of Cr.P.C. The petitioners, if so choose, can file a discharge petition before the Court below.

However, the learned counsel for the petitioners pleads that the Court direct the Magistrate to refer the matter to the committee to be constituted as directed in the case of **RAJESH SHARMA & OTHERS Vs. STATE OF U.P. AND ANOTHER¹**. Further, she also placed before this Court a similar order made by this Court in Criminal Petition No.9028 of 2017 on 22.09.2017 and sought to pas similar order.

¹ 2017 SCC ONLINE SC 821

In that view of the matter, in terms of the order dated 22.09.2017 this matter is directed to be referred by the learned trial Court's Magistrate, to the Committee to be constituted for report and to consider the possibility of any reconciliation and resettlement and if the settlement fails the Court can proceed with the trial of the matter.

In the result, this criminal petition is disposed of. Miscellaneous petitions, if any, pending consideration, shall stand closed in consequence.

JUSTICE T.RAJANI

Date: 26.11.2017
LSK

