

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

CRIMINAL PETITION No.9444 OF 2017

ORDER:

Though police registered the crime besides for the offences under Section 498A IPC also under Section 324 IPC, from the say by defacto complainant of A1 caused injury to her with knife point on her nose and bet, there is no medical certificate, much less, any medical record of when the injury sustained and with what proof even from the police final report, thereby it is the contention of it is false case foisted, however, taking into consideration of all these facts, there is nothing to quash but for such defenses open before the trial court if at all, while referring the case as per 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***), and if at all not settled, to raise all the defenses before the trial court.

2. Having regard to the above and as per the directions of the Hon'ble Apex Court, this Criminal Petition is disposed of, while directing the Investigation Officer to investigate, but not to arrest the petitioners unless report of the Committee on its constitution is received, however, this order does not prevent the securing for interrogation as part of investigation. Needless to say, if at all one to represent the others, petitioners are at liberty to file application under Rule 37 of

the Criminal Rules of Practice and the trial court shall consider the same after hearing with necessary conditions of personal appearance as and when required.

3. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

10.10.2017
SS

