

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10210 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in C.C.No.528 of 2011 on the file of II Additional Judicial Magistrate of First Class, Nellore, registered for the offence punishable under Sections 498-A IPC, against petitioners.

2. Heard learned counsel for petitioners and learned Public Prosecutor for the respondent-State.

3. The police after investigation filed charge sheet against the accused and the learned Magistrate took cognizance for the aforesaid offences.

4. The petitioners can raise all contentions before the trial Court at the stage of hearing before charges and if necessary by filing application under Section 239 Cr.P.C. and it is also left open to them to file application under Rule 37 of the Criminal Rules of Practice to consider after hearing for one to represent others.

5. 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 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.

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

27.12.2017
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