

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10699 of 2017

ORDER:

The petitioners are accused in C.C.No.513 of 2017 on the file of II Additional Judicial Magistrate of First Class, Bhimavaram, where the learned Magistrate took cognizance of the case for the offences punishable under Sections 498-A and 420 read with Section 34 IPC, which is outcome of Crime No.57 of 2016, on the report of the 2nd respondent – *de facto* complainant, none other than wife of the 1st petitioner.

2. The police, after investigation filed final report and at the post cognizance stage, the quash petition is filed.

3. The contentions raised by the petitioners before this Court can raise the same 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.

M.SATYANARAYANA MURTHY,J

Date: 15.11.2017
YVL



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