

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9794 of 2017

ORDER:

The petitioner is A.1 of Crime No.297 of 2017 of Vanasthalipuram Police Station, Rachakonda, registered for the offences punishable under Section 498-A and 420 IPC, which is outcome of report of the 2nd respondent-defacto complainant.

No doubt, the learned Public Prosecutor submits that the police already filed the final report in the form of charge sheet on 13.08.2017 and awaiting allotment of C.C. number by the trial Court in taking cognizance. Even then, as per the expression of the Apex Court in dated 27.07.2017 in CrI.A.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.

The petitioner 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.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 25.10.2017
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