

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION NO.9581 OF 2017**

**ORDER:**

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in C.C.No.971 of 2017 on the file of the IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad which was taken cognizance for the offence punishable under Section 498-A IPC, against the petitioner-accused.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. The petitioner herein is sole accused in the aforesaid Calendar Case and the respondent No.2 herein, who is his wife, is the defacto complainant.

4. Learned Assistant Public Prosecutor would submit that the investigating officer investigated the case and filed the charge sheet and it is numbered as indicated above and the case is squarely covered by the decision of the Hon'ble Apex Court in **RAJESH SAHRMA AND OTHERS V STATE OF U.P. AND ANOTHER<sup>1</sup>**.

5. The petitioner-accused can raise all contentions raised in this Petition, before the trial Court at the stage of hearing before framing charges, if the charges are not already framed, if necessary by filing an application under Section 239 Cr.P.C.

6. In view of the orders 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

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<sup>1</sup> 2017 (2) ALT (Cri) 393 (SC)

27.07.2017 in CrI.A.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017) in **RAJESH SHARMA case** (1 supra), 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 between the parties, and if it is not settled, then to proceed with the trial of the matter on merits.

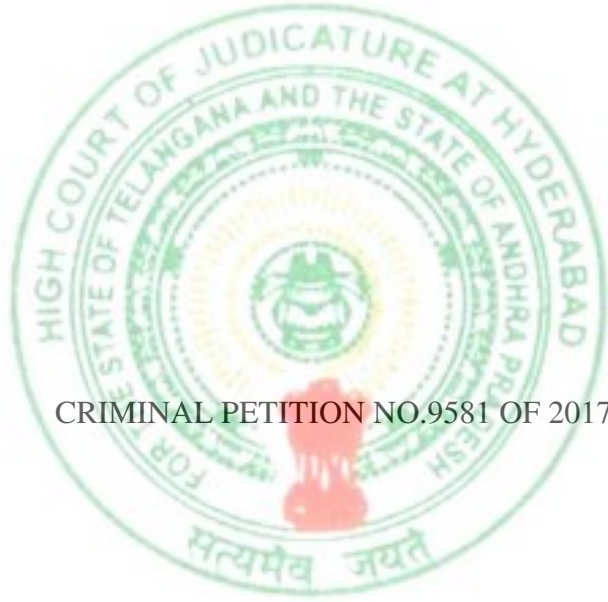
7. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

**DR.SHAMEEM AKTHER, J**

**DATED: 23.01.2018.**  
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