

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1190 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-accused Nos.2, 4, 5, 7 to 10, seeking to quash the proceedings against them in C.C. No.649 of 2013 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District, in connection with Crime No.100 of 2010 of Thotlavalluru Police Station, Vijayawada City, registered for the offences under Sections 498-A and 420 I.P.C.

2. Heard the learned counsel for the petitioners-accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Learned Assistant Public Prosecutor would submit that the Police Officer investigated the case and filed the charge sheet and it is numbered as indicated above and the case is squarely covered by **Rajesh Sharma and Others v. State of U.P. and Another**¹.

4. The petitioners-accused can raise all contentions before the trial Court at the stage of hearing, before charges are framed, if necessary, by filing an application under Section 239 Cr.P.C. and it is also open to the petitioners to file an application under Rule 37 of the Criminal Rules of Practice to consider their case to be represented one among them.

5. In view of the orders of this Court, dated 31.07.2017, passed in Criminal Petition No.6493 of 2017 relying upon the latest Two-Judge

¹ 2017 (2) ALT (CrI.) 393 (SC)

Bench expression of the Apex Court, dated 27.07.2017, in Criminal Appeal No.1265 of 2017 (SLP (Crl.) No.2013 of 2017) in **Rajesh Sharma's** case 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 and if it is not settled, then to proceed with the trial of the matter on merits.

6. The Criminal Petition is disposed of accordingly. Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

22nd February, 2018
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