

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1505 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, seeking to quash the proceedings against him in C.C.No.959 of 2017 on the file of the IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad District.

2. Heard the learned counsel for the petitioner/accused No.1, 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 petitioner-accused No.1 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 petitioner to file an application under Rule 37 of the Criminal Rules of Practice to consider his 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 Bench expression of the Apex Court, dated 27.07.2017, in Criminal Appeal No.1265 of 2017 (SLP (CrI.) No.2013 of 2017) in **Rajesh Sharma's** case supra, and in view of the fact that the matter is at crime stage, the Investigating Officer of the instant

¹ 2017 (2) ALT (CrI.) 393 (SC)

crime is directed to refer the matter to the Committee constituted in terms of the above referred decision, for report, to consider any reconciliation and settlement and if it is not settled, then to proceed with investigation of the case.

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

(DR. SHAMEEM AKTHER, J)

12th February 2018
RRB

