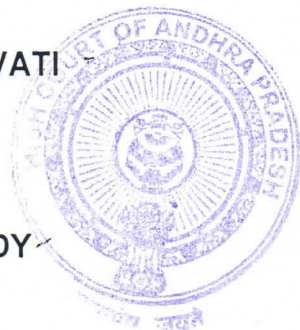


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

THURSDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY



CRIMINAL PETITION NO: 1608 OF 2023

Between:

1. Nagireddy Keshava Reddy, S/o. Nagireddy Subba Reddy, Aged about 56 years, Keshava Reddy Group of Schools, H.No.2-428-53-A3, 1, Balaji Complex, Nandyal, Nandyal District.
2. Kesava Reddy Public School (E.M), NGO's Colony, Nandyal, Rep by its Correspondent Nagireddy Kesava Reddy S/o.Subba Reddy, NGO's Colony, Nandyal, Nandyal District.
(Wrongly mentioned as Keshava Reddy concept School)

...Petitioners/Accused Nos.1 & 2

AND

1. Bekkam Rama Krishna Reddy, S/o.B.E.Padigala Reddy, R/o.Yalluru Village, Gospadu Mandal, Kurnool District.

...Respondent/Complainant

2. The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court of Andhra Pradesh, At Amaravathi.

...Respondent

WHEREAS the Petitioners above named through their Advocate Sri P Nagendra Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to quash the proceedings in C.C.No.692/2015 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P Nagendra Reddy, Advocate for the Petitioners and of Public Prosecutor for Respondent No.2, directed issue of notice to the Respondent No.1 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Bekkam Rama Krishna Reddy, S/o.B.E.Padigala Reddy, R/o.Yalluru Village, Gospadu Mandal, Kurnool District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, within six (6) weeks.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including appearance of the Petitioners in C.C.No.692/2015 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool District, pending disposal of CRLP No.1608 of 2023, on the file of the High Court.

The Court made the following ORDER:

“Learned Assistant Public prosecutor takes notice for respondent No.2 and seeks time to get instructions in the matter.

Issue notice to respondent No.1

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.1 by RPAD and file proof of service in the Registry within a period of three (3) weeks.

Sri O.Manohar Reddy, learned Senior Counsel representing Sri P. Nagendra Reddy, learned counsel for the petitioners, submits that even as per the averments made in the complaint the notice issued by the 1st respondent/complainant has not been served on the petitioners herein. He further submits that the amounts have been taken by accused No.1 in his individual capacity and whereas cheque was issued in the name of accused No.2. Learned Senior Counsel while relying upon the judgment in M/s. Vasundhara Projects Private Limited, rep. by its Chairman and Managing Director v. State of AP, (2014 (3) ALT (CRL.) 193 (S.B) further submits that the complaint is not maintainable, as there is no legally enforceable debt. The matter requires further examination.

In view of the aforesaid facts and circumstances, there shall be interim stay of all further proceedings including appearance of the petitioners herein in CC No.692 of 2015 on the file of the learned Judicial Magistrate of First Class, Nandyal, Kurnool district, for a period of eight (8) weeks.

It is needless to mention here that in case if the petitioners fail to take out notice on the 1st respondent as directed above, the interim stay granted in their favour shall automatically stand vacated without further reference to the Court.

List the matter after six (6) weeks.

//TRUE COPY//

For ,

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Nandyal, Kurnool District.
2. Bekkam Rama Krishna Reddy, S/o.B.E.Padigala Reddy, R/o.Yalluru Village, Gospadu Mandal, Kurnool District.(by **RPAD**- along with a copy of petition and memorandum of grounds)
3. One CC to Sri. P Nagendra Reddy, Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court of AP [OUT]
5. One spare copy.

MSB



HIGH COURT

SRK,J

DATED:02/03/2023

ORDER

LIST THE MATTER AFTER SIX (6) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.1608 of 2023

INTERIM STAY

