

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
MONDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 4602 OF 2023

Between:

Rapaka Venkata Ramana, S/o. Madayya, Aged about 34 years, R/o. Nakkala Street, Upalam Post, Sompeta, Gollavooru, Srikakulam District.

Petitioner/Accused-1

AND

1. The State of Andhra Pradesh, Rep. By its Public Prosecutor, High Court at Amaravathi, Through Station House Officer, Mandasa Police Station, Srikakulam District.
2. Rapaka Koteswari, W/o. Venkata Ramana, Aged about 29 years, R/o. Mandasa Village, Bellupatiya Village, Srikakulam District.

Respondent/Complainant

WHEREAS the Petitioner above named through his Advocate Sri Y NAGARJUNA BABU presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings in FIR No.133 of 2023 on the file of Madasa Police Station. Srikakulam District, dated 24.05.2023 .

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

You viz:

Rapaka Koteswari, W/o. Venkata Ramana, Aged about 29 years, R/o. Mandasa Village, Bellupatiya Village, Srikakulam 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 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 support of the petition, the High Court may be pleased to stay of all further proceedings in FIR No.133 of 2023 on the file of Madasa Police Station, Srikakulam District, dated 24.05.2023 , pending disposal of CRLP No. 4602 of 2023, on the file of the High Court.

The Court made the following: ORDER

"Learned Special Assistant Public Prosecutor takes notice on behalf of 1st Respondent and seeks time to get instructions.

Issue notice to 2nd respondent.

Learned counsel for the petitioner is permitted to take out personal notice to 2nd Respondent by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

Since the offences that are alleged against the petitioners are punishable with imprisonment below 7 years, this Court directs the police to follow the procedure contemplated under Section 41-A of Cr.P.C. scrupulously as per the guidelines laid down under *Arnesh Kumar Vs. State of Bihar and another*¹.

Post after six (6) weeks."

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Station House Officer, Mandasa Police Station, Srikakulam District.
2. Rapaka Koteswari, W/o. Venkata Ramana, Aged about 29 years, R/o. Mandasa Village, Bellupatiya Village, Srikakulam District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. Y NAGARJUNA BABU Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
5. One spare copy.

psk

¹ (2014) 8 SCC 273

HIGH COURT

SRKJ

DATED:10/07/2023

Post after six (6) weeks

NOTICE BEFORE ADMISSION

CRLP.No.4602 of 2023

DIRECTION

