

[3327]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND TWENTY THREE**



:PRESENT:

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5074 OF 2023**

Between:

1. Nacharla Raraju, S/o.late Surya Krishna, Aged about 35 years, Occ.Driver, R/o.D.No.9-35, Sujatha Nagar, Pendurthy, Visakhapatnam.
2. Nacharla Vijaya Lakshmi, w/o.late Surya Krishna, Aged about 70 years, Occ. Housewife, R/o.D.No.9-35, Sujatha Nagar, Pendurthy, Visakhapatnam.
3. Muppidi Venkata Lakshmi, W/o. Sathish, Aged about 42 years, Occ. Housewife, R/o.D.No.3-52, Thalavalasa, Laveru, Srikakulam District.
4. Phani Kumar Ratnakar, S/o. Ratnakar, Aged about 40 years, Occ. Private Employee, R/o.D.No.6-79, L.B.Nagar, Krishnarayapuram, Visakhapatnam.
5. Anagadda Nagabhushanam, , S/o. Late Chenchunaidu, Aged about 45 years, Occ. Private Employee, R/o.H.No.10-1323, Payyarajupalem, BC Colony, Pendurthy, Visakhapatnam.

Petitioners/Accused Nos.1 to 5

AND

1. The State of Andhra Pradesh, Through Station House Officer, Gajuvaka Police Station, Gajuvaka, Rep. by the Public Prosecutor, High Court of A.P., Amaravati.
2. Nacharla Sirisha, W/o. Raju, Aged about 38 years, Occ. Business, R/o.MIG-I, 7/B, Visweswara Nagar, Gajuvaka, Visakhapatnam.

Respondents

WHEREAS the Petitioners/Accused Nos.1 to 5 above named through their Advocate SREEKANTH REDDY AMBATI 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 C.C.No.731/2019, on the file of Hon'ble First Addl. Chief Metropolitan Magistrate, Gajuvaka, Visakhapatnam as against the petitioners/accused No.1 to 5;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri SREEKANTH REDDY AMBATI Advocate for the Petitioners and of PUBLIC PROSECUTOR for the 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:

Nacharla Sirisha, W/o. Raju, Aged about 38 years, Occ. Business, R/o.MIG-I, 7/B, Visweswara Nagar, Gajuvaka, Visakhapatnam.

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: 1 OF 2023:

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant interim stay of all further proceedings in C.C.No.731/2019, on the file of Hon'ble First Addl. Chief Metropolitan Magistrate, Gajuvaka, Visakhapatnam including appearance of the petitioners/accused No.1 to 5, pending disposal of CRLP No. 5074 of 2023, on the file of the High Court.

The Court made the following Order:

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

Issue notice to Respondent No.2.

Learned counsel for the petitioners is permitted to take out personal notice to Respondent No.2 by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

It is alleged that the marriage of defacto complainant was performed with one Saralu Nagaraju in the year 2000 who is resident of Hyderabad. Out of their conjugal life, the defacto complainant was blessed with one male child. In the year 2004, the defacto complainant and said Saralu Nagaraju got separated in the presence of elders and thereafter they are living separately. It is further alleged that the defacto complainant has got acquaintance with the 1st petitioner who is her car driver and the 1st petitioner expressed his interest to marry the defacto complainant and that on 11.06.2009 they both got married at Annavaram Temple. Thereafter, it is alleged that all the accused are harassing the defacto complainant both physically and mentally.

When the first marriage is subsisting, the question of entering into second marriage is not tenable. This matter requires examination.

In view of aforesaid circumstances, there shall be interim stay of all further proceedings in C.C.No.731 of 2019 on the file of the learned I Additional Chief Metropolitan Magistrate at Visakhapatnam, for a period of eight (8) weeks.

Post after six (6) weeks."

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Chief Metropolitan Magistrate at Visakhapatnam.
2. The Station House Officer, Gajuvaka Police Station, Gajuvaka.
3. Nacharla Sirisha, W/o. Raju, Aged about 38 years, Occ. Business, R/o.MIG-I, 7/B, Visweswara Nagar, Gajuvaka, Visakhapatnam. **(by RPAD- along with a copy of petition and memorandum of grounds)**
4. One CC to SRI. SREEKANTH REDDY AMBATI Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
6. One spare copy

ER

HIGH COURT

SRKJ

DATED:20/07/2023

POST AFTER SIX (6) WEEKS

NOTICE TO RESPONDENT NO.2

CRLP.No.5074 of 2023

INTERIM STAY

