

[3327]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
WEDNESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**



:PRESENT:

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5538 OF 2023**

Between:

Pillakathapu Chandra Sekhar, S/o. Samba Sivudu, Aged about 41 years, Occ. Business, R/o. Cheemalapenta village and Post, Pendilimarri Mandal, YSR Kadapa District, A.P.

Petitioner/'A' Party Respondent

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor at High court of Andhra Pradesh at Amaravathi, Through S.H.O., I Town U/G Police Station, Kadapa, YSR Kadapa District, A.P.

Respondent/Complainant

2. Jarugu Rajasekhar Reddy @ Bangaruangadi Raja, S/o. Subbireddy, R/o. Patha Kadapa, Kadapa, YSR Kadapa District, A.P.

Respondent/ 'B' Party Respondent

WHEREAS the Petitioner above named through his Advocate Sri V NITESH 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 set aside the order passed in MC No. 134/2023 dated 26-04-2023 on the file of Mandal Executive Magistrate, Kadapa, YSR Kadapa District, issued under Section 145(1) of CRPC;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri V NITESH Advocate for the Petitioner 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:

Jarugu Rajasekhar Reddy @ Bangaruangadi Raja, S/o. Subbireddy, R/o. Patha Kadapa, Kadapa, YSR Kadapa District, A.P.

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 suspend the order passed in MC No. 134/2023 dated 26-04-2023

on / the file of Mandal Executive Magistrate, Kadapa, YSR Kadapa District, issued under Section 145(1) of CRPC, pending disposal of CRLP No. 5538 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 respondent No.2.

Learned counsel for the petitioner 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.

By an order, dated 26.04.2023, the Mandal Executive Magistrate issued preliminary order, under Section 145(1) Cr.P.C. on the ground that on preliminary enquiry it is found that there is a dispute with regard to the ownership of the Ashoka Hotel & Lodge and the said dispute is likely to cause a breach of peace after perusal of the material placed before him.

Learned counsel for the petitioner submitted that the petitioner herein filed O.S.No.12 of 2022 on the file of the learned District Judge, Kadapa against one K.L.N Seva Prasad and another for relief under specific performance of contract of sale covered under the agreement of sale dated 20.01.2020 entered between the petitioner and defendants agreeing to share half of the property. When there is a dispute with regard to the premises and a civil suit is pending in connection with the same, initiating proceedings under 145 Cr.P.C. would lead to multiplicity of litigation.

In the preliminary order, the Mandal Executive Magistrate, restrained both the parties from entering into the disputed premises till the ownership is established.

It is submitted by the learned counsel for the petitioner that the petitioner herein is eking out his livelihood by doing hotel business and if the proceedings are initiated restraining both the parties from entering into the disputed premises, the staff working in the petitioner's hotel would suffer for the reason that it would take longer time in establishing the ownership of the property.

In view of the aforesaid facts and circumstances, there shall be an interim stay of all further proceedings, in pursuant to order dated 26.04.2023 in

M.C.No.134 of 2023 passed by the Mandal Executive Magistrate, Kadapa, for a period of eight (8) weeks. The petitioner is permitted to continue operation of hotel business.

Post after six (6) weeks."

**Sd/- SK.MOHAMMED RAFI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Mandal Executive Magistrate, Kadapa, YSR Kadapa District.
2. Jarugu Rajasekhar Reddy @ Bangaruangadi Raja, S/o. Subbireddy, R/o. Patha Kadapa, Kadapa, YSR Kadapa District, A.P. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. V NITESH Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
5. One spare copy

ER

HIGH COURT

SRKJ

DATED:02/08/2023

POST AFTER SIX (6) WEEKS

ISSUE NOTICE TO RESPONDENT NO.2

CRLP.No.5538 of 2023

INTERIM STAY

