

[3327]

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

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5602 OF 2023 ✓



Between:

1. M.Veena Rani, w/o. Sai Krishna, Hindu, Business, aged 41 years, r/o.D.No.15-278, Court Road, Dharmavaram Town, Anantapuramu District. (Presently Sri Satya Sai District).
2. M.Sai Krishna, s/o. M.Sriramulu, Hindu, Business, aged 49 years, r/o.D.No.15-278, Court Road, Dharmavaram Town, Anantapuramu District. (Presently Sri Satya Sai District).

Petitioners/Accused (Nos. 1 & 2) ✓

AND

1. State of Andhra Pradesh, by S.H.O., Hindupur I Town Police Station, Hindupur, Anantapuramu District. (Presently Sri Satya Sai District). Rep. by Public Prosecutor, High Court of Andhra Pradesh, Amaravathi.
2. B.Chowdesh, s/o.Peda Rangaiah, Hindu, Aged 59 years, r/o. D.no.26-4-623/5-1, Sadasivanagar, Hindupur, Anantapuramu District. (Presently Sri Satya Sai District) (Defacto Complainant)

Respondents ✓

WHEREAS the Petitioners/Accused above named through their Advocate Sri P Rajesh 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 FIR in Crime No. 229 of 2023, dt.12-07-2023 on the file of Hindupur I Town Police Station, Sri Satya Sai District, registered U/Sec.427,449; 506 r/w 34 IPC against the petitioners.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P Rajesh Babu Advocate for the Petitioner, Special Assistant Public Prosecutor for 1st Respondent, 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:

B.Chowdesh, s/o.Peda Rangaiah, Hindu, Aged 59 years, r/o. D.no.26-4-623/5-1, Sadasivanagar, Hindupur, Anantapuramu District. (Presently Sri Satya Sai 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 Grant Stay of all further proceedings of Crime No.229 of 2023, dt.12-07-2023 on the file of Hindupur I Town Police Station, Sri Satya Sai District, registered U/Sec.427,449, 506 r/w 34 IPC, against the Petitioners, including the arrest of the Petitioners, pending disposal of CRLP No. 5602 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 petitioners 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 along with CrI.P.Nos.5572 and 2611 of 2023.”

**Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Station House officer., Hindupur I Town Police Station, Hindupur, Anantapuramu District. (Presently Sri Satya Sai District).
2. B.Chowdesh, s/o.Peda Rangaiah, Hindu, Aged 59 years, r/o. D.no.26-4-623/5-1, Sadasivanagar, Hindupur, Anantapuramu District. (Presently Sri Satya Sai District) (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to Sri P Rajesh Babu Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

¹ (2014) 8 SCC 273

HIGH COURT

SRKJ

DATED:03/08/2023

POST AFTER SIX (6) WEEKS ALONG WITH CRL.P.NOS.5572 AND 2611 OF 2023

NOTICE BEFORE ADMISSION

CRLP.No.5602 of 2023

DIRECTION

