

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWELFTH DAY OF APRIL,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2023

IN

CRLP NO: 2647 OF 2023



Between:

1. Rajiv Ratanlal Tulshyan, C-4101, Lodha Bellissimo, NM Joshi Marg, Mahalaxmi Mumbai-400011, Maharashtra
2. Puja Rajiv Tulshyan, C-4101, Lodha Bellissimo, NM Joshi Marg, Mahalaxmi, Mumbai-400011, Maharashtra
3. Lalithadevi Rathanlal Tulshyan, C-4101, Lodha Bellissimo, Nm Joshi Marg, Mahalaxmi, Mumbai-400011, Maharashtra
4. Girish Joshi Treveni Bhawan, Ward No 08, Behind Chirawa College Chirawa Jhunjhunu Rajasthan 333026

...Petitioners

(Petitioner in CRLP 2647 OF 2023
on the file of High Court)

AND

1. The State of Andhra Pradesh, rep. Public Prosecutor, High Court of Andhra Pradesh at Amaravathi, Nelapadu, Guntur District
2. The Station House Officer, Chillakallu Police Station, NTR Commissionerate, Vijayawada, Krishna District.
3. Medisetty Venkata Ramana, Erstwhile Promoter of M/s Spads Textiles Ltd. S/o Venkata Rattaiah, Age: 38 years, Occ. Business, R/o. 741449, Yanamalakuduru, Lockula, Vijayawada, Andhra Pradesh

...Respondents

(Respondents in-do-)

Counsel for the Petitioner :

SRI AKHIL KRISHNAN

Counsel for the Respondent No.1:

PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in memorandum of grounds of criminal petition, the High Court may be pleased to grant stay of all further proceedings including the arrest, appearance of the Petitioner in FIR bearing No.160/2023 dated 27.03.2023, registered at Chillakallu P.S., NTR District, Andhra Pradesh, pending disposal of CRLP No.2647 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"This interlocutory application is filed by the petitioners to grant stay of all further proceedings including the appearance of the petitioners in F.I.R. No.160 of 2023 of Chillakallu police station, NTR District, registered on 27.03.2023 for the offence under Sections 420, 468, 471, 409 of IPC.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the first respondent-State.

3. The nut shall of the prosecution case is that the petitioners had an evil eye to grab the property as it worth, to collapse the *de facto* complainant financially, entered into the lease agreement on 01.07.2017 undertaking to run the company and subsequently undertook the attached quarters on lease and also obtained some signatures on blank stamp papers, and managed to see that no notice was served in the case instituted in NCLT and managing the service of notice only in the head office at Vijayawada and thereafter got appointed the liquidator and put the property for auction at less price and caused the great financial loss to the *de facto* complainant and that all is done in connivance with one another.

4. Learned counsel for the petitioners submitted that this prosecution has been launched as a counter blast of a complaint given against the *defacto* complainant in F.I.R. No.152 of 2023 of the Chillakallu police station, NTR District, since a great damage was done to the factory after the possession was taken after purchasing it in auction conducted by the liquidator. He further submitted that the *de facto* complainant was given notice in the proceedings before the NCLT is admitted in the complaint itself and yet no steps has been taken to challenge the lease entered in the year 2017 since then till now, though at many stages they had an opportunity of challenging the same.

5. He further submitted that essentially, it is a civil dispute, but only as a counter blast to the aforesaid complaint, this complaint was lodged and thus the petitioners are apprehending the arrest in this

matter based on the false complaint, and that the proceedings are abuse of process of law.

6. Learned Assistant Public Prosecutor sought time till tomorrow.

7. Post on 13.04.2023.

8. In the meantime, there shall be interim stay of all further proceedings including the arrest and appearance of the petitioner in F.I.R. No.160 of 2023 of Chillakallu police station, NTR District, till tomorrow."

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

Fo SECTION OFFICER

To,

1. The Station House Officer, Chillakallu Police Station, NTR Commissionerate, Vijayawada, Krishna District.
2. Medisetty Venkata Ramana, Erstwhile Promoter of M/s Spads Textiles Ltd. S/o Venkata Rattaiah, Age. 38 years, Occ. Business, R/o. 741449, Yanamalakuduru, Lockula, Vijayawada, Andhra Pradesh (By RPAD)
3. One CC to Sri. Akhil Krishnan, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

HIGH COURT

BSBJ

DATED:12/04/2023

NOTE: POST ON 13.04.2023

ORDER

**IA No. 2 OF 2023
IN
CRLP NO: 2647 OF 2023**

INTERIM STAY

