

[3206]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

WEDNESDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

: **PRESENT:**

**THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
CRIMINAL PETITION NO: 75 OF 2023**

Between:

1. Sura Chinna Subba Reddy, S/o Ramalinga Reddy Age. 47 Years, Occ. Cultivation R/o 2-72, Kampamalla (V), Koilkuntla (M), Nandyal District
2. S. Vijay Kumar Reddy, S/o. Pedda Pulla Reddy Age. 34 Years, Occ. Cultivation R/o. 2-63, Kampamalla (V), Koilkuntla (M), Nandyal District
3. Boya Maddilety, S/o Chinna Maddilety Age. 45 Years, Occ. Cultivation R/o Kampamalla (V), Koilkuntla (M), Nandyal District.
4. A. Venkata Subba Reddy, S/o.A. Narayana Reddy Age. 45 Years, Occ. Cultivation R/o.5-103, Revanur (V), Koilkuntla (M), Nandyal District

Petitioner/Accused 1 to 4

AND

1. The State of Andhra Pradesh, Rep by Public Prosecutor, High Court of Judicature at Amaravati.

Respondent/Complainant

2. Ramireddygari Ramachandra Reddy, S/o.Chenna Reddy, Age 55 years, Occ. Cultivation, R/o Kampamalla (V), Koilkuntla (M), Nandyal District

Respondent/de-facto Complainant

WHEREAS the Petitioner above named through their Advocate SRI D SESHASAYANA REDDY presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the proceedings as against Petitioners/Accused in Cr.No.210 of 2022 of Koilkuntla P.S, Nandyal District

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri D SESHASAYANA REDDY 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:

Ramireddygari Ramachandra Reddy, S/o.Chenna Reddy, Age 55 years, Occ. Cultivation, R/o Kampamalla (V), Koilkuntla (M), Nandyal District

are 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 affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, on or before 23.02.2023, on which date the case stands posted for hearing

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all

further proceedings in Cr.No.210 of 2022 of Koilkuntla P.S, Nandyal District, pending disposal of CRLP No.75 of 2023, on the file of the High Court.

The Court made the following:

ORDER:

"The learned Public Prosecutor has taken notice for respondent No.1 and requests time to obtain instructions.

Issue notice to respondent No.2.

The 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 by the next date of hearing.

Post on 23.02.2023.

The petitioners are Accused Nos.1 to 4 in Crime No.210 of 2022 of Koilakuntla Police Station, for the offences under Sections 468, 420, 506 read with 34 of Indian Penal Code.

The petitioners have approached this Court for quashing the said complaint.

Sri D.Seshasayana Reddy, the learned counsel appearing for the petitioners submits that the de facto-complainant having executed an agreement of sale is now attempting to resile from the said agreement of sale by claiming that his signature on the agreement of sale has been forged by the petitioners. He would further submit that the said complaint has been filed solely for the purposes of raising a fresh defense in O.S.No.3 of 2016 filed by the petitioners for specific performance of the agreement of sale.

He would further submit that the Hon'ble Supreme Court of India in the case of Rajeshbhai Muljibhai Patel vs State of Gujarat (2020) 3 SCC 794 had held that when similar questions are pending before the Civil Court and Criminal investigation, it would be appropriate that the Criminal investigation is stopped till a decision is taken in this regard by the Civil Court.

In that view of the matter, there shall be stay of all further proceedings in Crime No.210 of 2022 on the file of Koilakuntla Police Station, pending further orders".

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Koilkuntla P.S, Nandyal District
2. Ramireddygari Ramachandra Reddy, S/o.Chenna Reddy, Age 55 years, Occ. Cultivation, R/o Kampamalla (V), Koilkuntla (M), Nandyal District (by RPAD along with a copy of petition and memorandum of grounds)
3. One CC to SRI D SESHASAYANA REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
5. One spare copy

HIGH COURT

RRRJ

DATED:04/01/2023

POST ON 23.02.2023

NOTICE BEFORE ADMISSION

CRLP.No.75 of 2023

STAY

