



IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)

[3311]

WEDNESDAY ,THE TWENTY FIRST DAY OF
FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 918 OF 2024

Between:

B. RAJAGOPAL NAIDU AND OTHERS ...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH ...RESPONDENT/COMPLAINANT(S)
AND OTHERS

The Court made the following:

ORDER:

CrI.P.No.918 of 2024

Notice to the 2nd respondent.

Learned counsel for the petitioners is permitted to take out personal service of notice to the 2nd respondent, by RPAD, and file proof of service.

Post on 20.03.2024.

B.S.BHANUMATHI, J

I.A.No.1 of 2024

This application under Section 482 CrPC is filed by the petitioners to grant stay of all further proceedings including appearance of the petitioners in C.C.No.699 of 2023 on the file of the Court of II Additional Junior Civil Judge, at Kakinada, pending disposal of the criminal petition.

2. Heard *Sri Y.V. Ravi Prasad*, learned senior counsel appearing for the petitioners and *Smt. Y. Sivakalpana Reddy*, learned Standing

Counsel-cum-Special Public Prosecutor for CID appearing for the 1st respondent.

3. The learned senior counsel appearing for the petitioners submitted that the 2nd respondent lodged three complaints with the same content of allegations; out of which, one case was already referred as 'mistake of fact'; the other case was quashed; whereas, the present case was pending since the year 2008, and recently, a charge sheet was filed. He further submitted that the High Court of Judicature at Hyderabad, in Criminal Petition No.3004 of 2011, *vide* orders, dated 13.11.2015, quashed the proceedings in C.C.No.222 of 2008 on the file of the Court of the Judicial First Class Magistrate, Pithapuram, and made observations regarding common allegations in all the three crimes which included the present crime *vide* Crime No.3 of 2009. In this regard, learned senior counsel further submitted that the court recorded that the opinion of the experts is that the CD does not contain any material which can be said to be obscene for the reason that the images have been blurred and no steps were taken to challenge the findings of the High Court so far either by the State or by the *de facto* complainant, who is the *de facto* complainant in the present case as well.

4. *Per contra*, the learned standing counsel for the 1st respondent submitted that though the statements of other witnesses were enclosed to the petition, the statement of LW12, Sri D. Venkateswarlu, Assistant Director, AP&TS FSL, Redhills, Hyderabad, which is material has not been enclosed. She further submitted that the brother of the 2nd respondent recorded live telecast by using his personal handycam and the same was sent to FSL which gave report adverse to the accused that the video is pornographic, and therefore, the same is not blurred as contended by the accused. She further contended that the material sent to the

experts by blurring the figure to suit the convenience of the accused; whereas the report of the FSL contains material recorded in handcam of the brother of the 2nd respondent. It is further submitted that the crime involved in that case is different from the crime involved in this case. She further submitted that without hearing the 2nd respondent, who is the *de facto* complainant, no conclusions can be drawn about the charge sheet now sought to be quashed.

5. *In reply*, learned senior counsel for the petitioners submitted that the matter which has become stale in the year 2008 itself cannot be revived after so long time and it was done only with a malice to harass the petitioners, that too, 1st petitioner who is aged about 70 years of age and represents the 3rd petitioner as well. With regard to the difference in the crimes, the learned senior counsel submitted that the allegations are one and the same and the evidence is also one and the same. The learned senior counsel requested to at least dispense with the appearance of the 1st petitioner in C.C.No.699 of 2023 which is scheduled on 28.02.2024, in view of the aforesaid circumstances.

6. As such, personal appearance of the 1st petitioner alone (in his personal capacity as well as representing the 3rd petitioner in the capacity of its Managing Director) in C.C.No.699 of 2023 on the file of the Court of II Additional Junior Civil Judge, at Kakinada, is dispensed with till 20.03.2024.

7. It is made clear that the interim order now granted shall be reviewed, if the matter is not finally disposed of.

B.S.BHANUMATHI, J

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