

[3327]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE TWENTY SIXTH DAY OF MARCH

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

IA No. 2 OF 2024

IN

CRLP NO: 1967 OF 2024

Between:

1. Oruganti Nageswara Rao, S/o. Satyanarayana, Aged 31 years, R/o. chebrolu village, Gollaprolu Mandal, East Godavari District.
2. Majji Neelavathi @ Leelavani, W/o. M. Venkataramanamurthy, Aged 29 years. R/o.D.No.5-318, Peddapuram Village and Mandal, East Godavari District.

Petitioners/A4 and A5

AND

1. The State of Andhra Pradesh, rep. by its Public Prosecutor High Court of Andhra Pradesh at Amaravathi.

Respondent

2. Thuppeta Adinarayanama, , W/o. Oruganti Lova Raju Aged 28 years, R/o. Appecherla Village, Peddavadaguru Mandal, Ananthapuram District.

Respondent/Defacto Complainant

Counsel for the Petitioner : Sri G RAMA GOPAL

Counsel for the Respondent No.1:PUBLIC PROSECUTOR (AP)

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 stay all further proceedings in SC No. 11 of 2020 on the file of First Additional District Judge, Ananthapuram including the appearance of the Petitioners/A4 and A5, Pending disposal of CRLP No. 1967 of 2024, 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

“Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent No.1.

On a perusal of the material available on record, it shows that the Accused No.1 and the defacto complainant fell in love and thereafter their marriage has been performed by the Police personnel on 01.04.2018. Thereafter, disputes arose between the Accused No.1 and the de facto complainant wherein the then private complaint as resorted in filing the present complaint under Sections 376, 343, 313, 493, 323, 354, 498A, 420, 506, 109 r/w 34 IPC.

On a perusal of charge sheet shows that LW.30 as accused have sent for medical examination, wherein LW.24 opined that the accused is not capable of performing sexual intercourse. When there is no proof as against the accused and as there is ambiguity, Section 376 and 493 IPC would not attract as against the petitioners herein.

In view of the said reasons, there shall be interim stay of all further proceedings including appearance of the petitioners herein/A4 and A5 in SC No.11 of 2020 on the file of the learned First Additional District Judge, Ananthapuramu, for a period of eight (8) weeks."

//TRUE COPY//

Fo

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The First Additional District Judge, Ananthapuram .
2. Thuppeta Adinarayanama, , W/o. Oruganti Lova Raju Aged 28 years, R/o. Appecherla Village, Peddavadaguru Mandal, Ananthapuram District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. G RAMA GOPAL Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
5. One spare copy.

psk

HIGH COURT

SRK,J

DATED:26/03/2024

POST AFTER SIX WEEKS

ORDER

IA No. 2 OF 2024
IN
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INTERIM STAY

