

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO



:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

CRIMINAL PETITION NO: 2656 OF 2022

Between:

1. Kothavalla Gopinath, S/o Shanmugam, aged about 36 years, Kapu by caste, D. No. 9-124, Vijayapuram Colony, Satyanarayanapuram, Tirupathi City, Chittoor District.
2. Kothavalla Shyamamma, W/o Shanmugam, aged about 50 years, Kapu by caste, D. No. 9-124, Vijayapuram colony, Satyanarayanapuram, Tirupathi City, Chittoor District.

...Petitioners/(A1 & A2)

AND

1. State of Andhra Pradesh, Represented by Public Prosecutor, High Court of A.P, Amaravati. Through Sub - Inspector of police, Women P.S, Nellore.
2. Kothavalla Sai Swetha, W/o Gopinath, aged about 29 years, Kapu by caste, noted as R/o D. No. 918, Bapuji Colony, Sullurpet Town But actually R/o D. No. 2-205, Satyanarayana Puram, Tirupathi town. (De-facto Complainant)

...Respondents

WHEREAS the Petitioner/Accused Nos.1 and 2 above named through their Advocate Sri A. RAJENDRA BABU, presented this Criminal Petition filed 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 C.C.No.660/2019 (Cr.No. 172 of 2018 of Women. P.S), on the file of Judicial Magistrate of I class Special Mobile, Nellore filed against the Petitioners (A1 and A2) for the offences U/S 498-A and Sec.3 and 4 of Dowry Prohibition Act.

And Whereas the High Court upon perusing the Criminal petition and memorandum of grounds filed herein and upon hearing the arguments of Sri A RAJENDRA BABU, Advocate for the Petitioners/Accused Nos.1 and 2, and of Public Prosecutor for the 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:

Kothavalla Sai Swetha, W/o Gopinath, Kapu by caste, noted as R/o D. No. 918, Bapuji Colony, Sullurpet Town But actually R/o D. No. 2-205, Satyanarayana Puram, Tirupathi town.

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 grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, post after 2nd weeks of June, 2022.

IA NO: 1 OF 2022

Petition filed 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 C.C.No.660/2019 (Cr.No. 172 of 2018 of Women P.S, Nellore) on the file of Judicial Magistrate of I class Special Mobile, Nellore including the appearance of the petitioners (A1 and A2), pending disposal of CRLP No. 2656 of 2022, on the file of the High Court.

The Court made the following:

ORDER:

Notice

Learned Public Prosecutor takes notice on behalf of the 1st respondent-state.

Learned counsel for the petitioner is permitted to take out personal notice on the 2nd respondent through RPAD and file proof of service.

Contention of the learned counsel for the petitioners is that in fact earlier the 2nd petitioner herein made complaint against the 2nd respondent/ defacto complainant and her younger brother on 13.01.2018 before the IV Additional District Munisif Court, Tirupathi, hence, as a counter blast to the said case, present complaint has been lodged against the petitioners.

Further learned counsel for the petitioners brought to the notice of the court, the orders passed by the family division of the II Judicial District Court of the state of Nevada at USA; which shows that the 2nd respondent and the petitioners settled all the disputes and all the litigations pending in USA and also in India. Therefore, the allegations made in the complaint are vague, without referring specific dates or incidents.

Considering the submissions made, on perusal of the material on record, there shall be stay of all further proceedings.

Post after 2nd week of June 2022.

//TRUE COPY//

SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR


SECTION OFFICER

Fo

To,

1. The IV Additional District Munisif Court, Tirupathi, Chittoor District.
2. The Judicial Magistrate of I Class Special Mobile, Nellore, SPSR Nellore District.
3. The Station House Officer, Women Police Station, Nellore, SPSR Nellore District.
4. Kothavalla Sai Swetha, W/o Gopinath, noted as R/o D. No. 918, Bapuji Colony, Sullurpet Town But actually R/o D. No. 2-205, Satyanarayana Puram, Tirupathi town. **(by RPAD- along with a copy of petition and memorandum of grounds)**
5. One CC to Sri. A. RAJENDRA BABU, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
7. One spare copy

VD

HIGH COURT

DRJ

DATED:20/04/2022

NOTE: POST AFTER 2ND WEEK OF JUNE 2022.

ORDER

NOTICE BEFORE ADMISSION

CRLP.No.2656 of 2022

STAY

