

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**MONDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE**

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



**IA No. 1 OF 2021
IN
CRLP NO: 2575 OF 2021**

Between:

1. Pandiri Umamaheswari, W/o.Pandiri Ramarao, Age 69 years, D.No.2-23, Ram Nagar, Peddabodeapalli, Visakhapatnam, Andhra Pradesh – 531116.
2. Pandiri Ramarao, S/o. Pandiri Satyam, Age 78 years, D.No.2-23, Ram Nagar, Peddabodeapalli, Visakhapatnam, Andhra Pradesh – 531116.

...PETITIONERS/ACCUSED NO.2 & NO.3

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Amaravathi.
2. Pandiri Janaki Rajya Surekha @ Pappu Janaki, W/o Pandiri Siva Prasad, Age 37 years, House wife, R/o. Near Old Bus stand, Eluru, West Godavari District.

...RESPONDENTS/COMPLAINANT

Counsel for the Petitioners :SRI CH DHANAMJAYA

Counsel for the Respondent No.1 :PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to stay all further proceedings including arrest of the Petitioners/Accused No.2 & 3 in Cr.No.12 of 2020 on the file of Women P.S., Eluru, West Godavari District for the alleged offences under Sections 498A, 312, 354(b), 506 R/w.34 of IPC and Section 3 & 4 of Dowry Prohibition Act, pending disposal of CRLP No.2575 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondent No.2 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). The Court made the following

ORDER:

“Cr.No.12 of 2020 was filed in Women Police Station, Eluru, West Godavari District against five accused including the petitioners herein, who were arrayed as accused Nos.2 and 3 for the offences under Sections 498-A, 312, 354(b), 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

After completion of the investigation, a charge sheet was filed by the Investigating Officer before the learned II Additional Judicial First Class Magistrate, Eluru for the offences under Sections 498-A IPC read with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

The provisions of Sections 312, 354(b), 506 read with 34 IPC were dropped in the charge sheet. Further, the charge sheet also recorded that there charges against accused Nos.4 and 5 were dropped.

The *de facto* complainant, upon notice, appeared before the trial Court and filed objections in CrI.M.P.No.2071 of 2020, to continue the case against accused Nos.4 and 5 and also to include all the relevant Sections of law according to the original complaint. The trial Court by an order, dated 04.12.2020, passed the following:

"Heard petitioner. Case taken on file against accused Nos.1 to 5."

It appears that subsequently another proceeding was recorded on the docket stating that in view of the objections raised by the *de facto* complainant, the case was taken up against accused Nos.1 to 5 under Sections 498-A, 312 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Sri Challa Danunjay, learned counsel for the petitioners would submit that the said orders of the trial Court are in violation of the provision of Section 200 Cr.P.C. He would further submit that it is not clear as to how the trial Court took cognizance of the case by way of two separate orders of cognizance. He submits that by virtue of these two separate orders of cognizance, the charge sheet has been taken on file as C.C.No.639 of 2020.

In view of the clear procedural irregularities in these two orders, it would be appropriate to stay all further proceedings in C.C.No.639 of 2020 on the file of the II Additional Judicial First Class Magistrate, Eluru, West Godavari District pending further orders against the petitioners herein including the appearance."

//TRUE COPY//

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate, Eluru, West Godavari District.
2. The Station House Officer, Women Police Station, Eluru, West Godavari District.
3. Pandiri Janaki Rajya Surekha @ Pappu Janaki, W/o Pandiri Siva Prasad, R/o. Near Old Bus stand, Eluru, West Godavari District.(by RPAD)
4. One CC to Sri. CH Dhananjaya, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy.

MSB

HIGH COURT

RRR,J

DATED:26/04/2021

Post on 21.06.2021, in the motion list

ORDER

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INTERIM DIRECTION

