

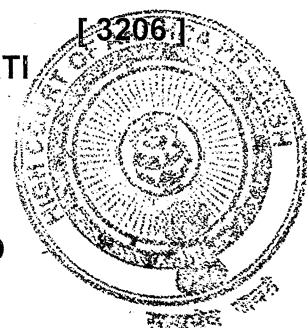
[3206]

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

THURSDAY, THE SIXTH DAY OF MAY,
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 9478 OF 2021



Between:

1. S. Jayaram Chowdary, S/o: S. Panchala Naidu, Aged about: 72 years, R/o: 19-3-20G/1, Kakatiya Nagar, Tirupathi(Urban) - 517501, Chittoor District, Andhra Pradesh State.
2. S. Prameela, W/o: S. Jayaram Chowdary, Aged about: 71 years, R/o: 19-3-20G/1, Kakatiya Nagar, Tirupathi(Urban) - 517501, Chittoor District, Andhra Pradesh State.
3. Sudalagunta Krishna Kalyan Kumar,
S/o: S. Jayaram Chowdary, Aged about: 71 years,
R/o: 19-3-20G/1, Kakatiya Nagar, Tirupathi(Urban) - 517501, Chittoor District, Andhra Pradesh State.
4. Sudalagunta Sugars Limited, Rep by its Chairman, S. Jayaram Chowdary, A Public-Limited Company with Corporate Identification Number (CIN). U15424AP1994PLC018279, Having its Registered Office at Mayura Nagar, Katur Post, Buchinaidu Kandriga Mandal, Chittoor District, Andhra Pradesh State

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Department of Home Affairs, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Director General of Police of Andhra Pradesh, Office at D.G.P Office, Mangalagiri, Kolanukonda, Andhra Pradesh State
3. The Superintendent of Police, Chittoor District.
4. The Superintendent of Police, Tirupathi, Chittoor District.
5. The Deputy Superintendent of Police, Tirupati, Chittoor District.
6. The Deputy Superintendent of Police, Puttur, Chittoor District.
7. The Deputy Superintendent of Police, Palamaneru, Chittoor District.
8. The Superintendent of Police, S.P.S.R. Nellore District.
9. The Deputy Superintendent of Police, Nellore Town, S.P.S.R. Nellore District.
10. The Deputy Superintendent of Police, Nellore Rural, S.P.S.R. Nellore District.
11. The Deputy Superintendent of Police, Kavali, S.P.S.R. Nellore District.
12. The Deputy Superintendent of Police, Atmakur, S.P.S.R. Nellore District.
13. The Deputy Superintendent of Police, Gudur, S.P.S.R. Nellore District.
14. The Station House Officer, B.N Kandriga Police Station, Chittoor District.
15. The Station House Officer, Tirupathi East Police Station, Chittoor District.
16. The Station House Officer, Tirupathi West Police Station, Chittoor District.
17. The Station House Officer, Alipiri Police Station, Chittoor District.
18. The Station House Officer, Tirupathi Crime South Police Station, Chittoor District.
19. The Station House Officer, Balaji Colony Police Station, Chittoor District.
20. The Station House Officer, Tiruchunaru Police Station, Chittoor District.
21. The Station House Officer, S.V. University Police Station, Chittoor District.
22. The Station House Officer, Muthyalareddypalli Police Station, Chittoor District.
23. The Station House Officer, Srikalahasti I Town Police Station, Chittoor District.
24. The Station House Officer, Srikalahasti II Town Police Station, Chittoor District.
25. The Station House Officer, Srikalahasti Rural Police Station, Chittoor District.
26. The Station House Officer, Thottambedu Police Station, Chittoor District.
27. The Station House Officer, Yerpedu Police Station, Chittoor District.
28. The Station House Officer, K V B Puram Police Station, Chittoor District.
29. The Station House Officer, Varadalahapalem Puram Police Station, Chittoor District.
30. The Station House Officer, Satyavedu Police Station, Chittoor District.
31. The Station House Officer, Tirupati Rural Police Station, Chittoor District.
32. The Station House Officer, Ramachandrapuram Police Station, Chittoor District.
33. The Station House Officer, Renugunta Urban Police Station, Chittoor District.
34. The Station House Officer, Renugunta Rural Police Station, Chittoor District.
35. The Station House Officer, Vadamalapeta Police Station, Chittoor District.

36. The Station House Officer, Chandragiri Police Station, Chittoor District.
37. The Station House Officer, Nellore I Town Police Station, S.P.S.R Nellore District.
38. The Station House Officer, Nellore II Town Police Station, S.P.S.R Nellore District.
39. The Station House Officer, Nellore III Town Police Station, S.P.S.R Nellore District.
40. The Station House Officer, Nellore IV Town Police Station, S.P.S.R Nellore District.
41. The Station House Officer, Nellore V Town Police Station, S.P.S.R Nellore District.
42. The Station House Officer, Balaji Nagar Police Station, S.P.S.R Nellore District.
43. The Station House Officer, Nellore Rural Police Station, S.P.S.R Nellore District.
44. The Station House Officer, Venkatachala Satram Police Station, S.P.S.R Nellore District.
45. The Station House Officer, Podalakuru Police Station, S.P.S.R Nellore District.
46. The Station House Officer, Sangam Police Station, S.P.S.R Nellore District.
47. The Station House Officer, Atmakuru Police Station, S.P.S.R Nellore District.
48. The Station House Officer, Marripudu Police Station, S.P.S.R Nellore District.
49. The Station House Officer, Udhayagiri Police Station, S.P.S.R Nellore District.
50. The Station House Officer, Vinjainuru Police Station, S.P.S.R Nellore District.
51. The Station House Officer, Seetharamapuram Police Station, S.P.S.R Nellore District
52. The Station House Officer, Anumasamudhrampeta Police Station, S.P.S.R Nellore District.
53. The Station House Officer, Kaluvoy Police Station, S.P.S.R Nellore District.
54. The Station House Officer, Ananthasagaram Police Station, S.P.S.R Nellore District.
55. The Station House Officer, Chejerla Police Station, S.P.S.R Nellore District.
56. The Station House Officer, Kondapuram Police Station, S.P.S.R Nellore District.
57. The Station House Officer, Varikuntapadu Police Station, S.P.S.R Nellore District.
58. The Station House Officer, Duttaluru Police Station, S.P.S.R Nellore District.
59. The Station House Officer, Kaligiri Police Station, S.P.S.R Nellore District.
60. The Station House Officer, Kovuru Police Station, S.P.S.R Nellore District.
61. The Station House Officer, Kodavaluru Police Station, S.P.S.R Nellore District.
62. The Station House Officer, Vidavalur Police Station, S.P.S.R Nellore District.
63. The Station House Officer, Buchireddy palem Police Station, S.P.S.R Nellore District.
64. The Station House Officer, Thotapalliguduru Police Station, S.P.S.R Nellore District.
65. The Station House Officer, Muthukuru Police Station, S.P.S.R Nellore District.
66. The Station House Officer, Indukurupeta Police Station, S.P.S.R Nellore District.
67. The Station House Officer, Venkatachalam Police Station, S.P.S.R Nellore District.
68. The Station House Officer, Venkatachala Satram Police Station, S.P.S.R Nellore District.
69. The Station House Officer, Sullurupeta Police Station, S.P.S.R Nellore District.
70. The Station House Officer, Shriharikota Police Station, S.P.S.R Nellore District.
71. The Station House Officer, Shriharikota Marine Police Station, S.P.S.R Nellore District.
72. The Station House Officer, Tada Police Station, S.P.S.R Nellore District.
73. The Station House Officer, Venkatagiri Police Station, S.P.S.R Nellore District.
74. The Station House Officer, Dakkali Police Station, S.P.S.R Nellore District.
75. The Station House Officer, Balayapalli Police Station, S.P.S.R Nellore District.
76. The Station House Officer, Rapur Police Station, S.P.S.R Nellore District.
77. The Station House Officer, Naidupet Police Station, S.P.S.R Nellore District.
78. The Station House Officer, Doravari Satram Police Station, S.P.S.R Nellore District.
79. The Station House Officer, Pellakur Police Station, S.P.S.R Nellore District.
80. The Assistant Cane Commissioner (FAC), Chittoor, Chittoor District.
81. The Assistant Cane Commissioner (FAC), S.R.S.R Nellore, S.P.S.R Nellore District.

...Respondents ✓

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in registering crimes and also in trying to register crimes against the petitioners herein on the subject of part of non-payment/part

payment of sugarcane price to the sugarcane growers/farmers as illegal, unwarranted, arbitrary, in violation Section 19 of the A.P. Sugarcane (Regulation of Supply and Purchase) Act, 1961 and in violation of Article 19 and 21 of the Constitution of India and consequently direct to respondents to forbear from interfering/registering criminal cases against the petitioners herein on the subject of part of non-payment/part payment of sugarcane price to the sugarcane growers/farmers and abide by the provisions contained in Section 19 of the A.P. (Regulation of Supply and Purchase) Act, 1961.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased direct the respondents not to interfere/register criminal cases against the petitioners herein regarding the non-payment or part payment of the sugarcane price to the sugarcane growers/farmers, pending disposal of WP 9478 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Kilaru Nithin Krishna, Advocate for the Petitioners, GP for Home for Respondents, the Court made the following.

ORDER

"The 4th Petitioner is a public limited company, which runs a sugarcane mill in Chittoor District. Petitioners 1 to 3 are the shareholders and are in the management of the 4th petitioner. The 4th petitioner was allotted a factory zone as per Section 15 of the Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1961 (hereinafter referred to as 'the Sugarcane Act'). Accordingly the 4th petitioner is said to have been purchasing sugarcane from the farmers within the factory zone. However, the purchase price for the said sugarcane was not paid to the farmers, resulting in the farmers approaching the police authorities by way of complaints under Section 420 IPC. Initially, one complaint was registered as Crime No.52 of 2021 of B.N. Kandriga Police Station, Chittoor District.

Aggrieved by the said registration of complaint, the petitioners had approached this Court by way of CrI.P.No.2700 of 2021 and this Court had granted stay of further investigation in the said complaint.

The petitioners have now approached this Court by way of the present writ petition on the ground that farmers at various places are filing complaints against the petitioners and the same are being entertained by the police authorities resulting in undue harassment of the petitioners.

Sri Dammalapati Srinivas, learned Senior Counsel appearing for the petitioners would submit that in view of the provisions of the Sugarcane Act, the method and manner of recovery of dues of farmers for the sugarcane sold by them to the sugar factories, is regulated and controlled by the said Sugarcane Act. He submits that in fact, Revenue Recovery Proceedings have also been initiated for recovery of dues of the farmers in accordance with the said Sugarcane Act. In these circumstances, he would submit that there is an implicit bar of filing of criminal cases on that count.

Sri Dammalapati Srinivas, learned Senior Counsel would also raise another issue. He submits that the farmers are filing identical complaints on the ground that their dues are not being paid by the 4th petitioner. In such circumstances, he would submit that in view of the judgment of the Hon'ble Supreme Court in *Amish Devgan v. Union of India and Ors*((2021) 1 SCC 1), where there is multiplicity of F.I.Rs they can be clubbed together with the first F.I.R registered in this relation. He would also submit that in view of the judgment of the Hon'ble Supreme Court in *T.T. Antony v. State of Kerala*((2001) 6 SCC 181), all subsequent complaints are to be treated as statements filed under Section 161/162 Cr.P.C., as there cannot be more than one F.I.R on the same issue.

For the aforesaid reasons, the learned Senior Counsel would submit that registration of multiple F.I.Rs on the same issue of non-payment of farmers' dues would not be permissible and seeks stay of registration of all further cases.

The learned Government pleader for Home submits that the complaints could contain different allegations making out different offences and as such there cannot be a general bar of filing of any complaints against the petitioners. He would submit that the Station House Officer concerned is bound by law to take on record any complaint, which makes out an offence and register the same under Section 154 Cr.P.C. In the circumstances, he would submit that there cannot be a blanket omnibus order staying all further registration of cases. He would also submit that the question of transferring various cases filed before different police stations to one police station is an issue which can be looked into at the stage of final hearing and final orders being passed and such an order may not be permissible at an interlocutory stage.

Multiplicity of complaints and multiplicity of investigation would only hinder the said investigation and a comprehensive investigation of all the complaints in one proceeding would be for the benefit of both the complainant as well as the accused in the said complaint. In any event, the Hon'ble Supreme Court while considering the law in T.T. Antony v. State of Kerala had held that there can be only one complaint in relation to an offence and all subsequent complaints are information received by the investigating officer and are only be treated as statements under Section 161/162 Cr.P.C.

In view of the judgments of the Hon'ble Supreme Court in Amish Devgan v. Union of India and Ors., and T.T. Antony v. State of Kerala, it would be appropriate if all subsequent complaints are treated as statements under Section 161/162 Cr.P.C.

In the said circumstances, and, with a view to balance the rights of the farmers, who filed complaints on the one hand and the requirement of law on the other hand, it would be appropriate to direct that all complaints received by the various police stations be forwarded to the police station at B.N. Kandriga and the said complaints be taken on record under Section 161/162 Cr.P.C. for the time being.

The said complaints could either be continued as statements under Section 161/162 Cr.P.C or be treated as separate complaints for separate claims being registered, after a decision is taken by this Court on this issue.

Needless to say, even though investigation in Crime No.52 of 2021 has been stayed by way of an order of this Court in CrI.P.No.2700 of 2021, further investigation in the other complaints received may go on to the extent of verifying the funds available with the 4th petitioner and the reasons for non-payment of dues of the farmers. The petitioners 1 to 3 shall cooperate with the investigation and during such cooperation the investigating officer shall not take any coercive steps, such as arrest of the petitioners till 25.06.2021.

In the event of non-cooperation by the petitioners, the investigating officer shall follow the guidelines of the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar and anr((2014) 8 SCC 273).

Post on 18.06.2021 in motion list."

//TRUE COPY//

Sd/- V. Savithri Gowri
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Department of Home Affairs, Secretariat, Velagapudi,
State of Andhra Pradesh, Amaravati, Guntur District.

2. The Director General of Police of Andhra Pradesh, Office at D.G.P Office, Mangalagiri, Kolanukonda, Andhra Pradesh State
3. The Superintendent of Police, Chittoor District.
4. The Superintendent of Police, Tirupathi, Chittoor District.
5. The Deputy Superintendent of Police, Tirupati, Chittoor District.
6. The Deputy Superintendent of Police, Puttur, Chittoor District.
7. The Deputy Superintendent of Police, Palamaneru, Chittoor District.
8. The Superintendent of Police, S.P.S.R. Nellore District.
9. The Deputy Superintendent of Police, Nellore Town, S.P.S.R. Nellore District.
10. The Deputy Superintendent of Police, Nellore Rural, S.P.S.R. Nellore District.
11. The Deputy Superintendent of Police, Kavali, S.P.S.R. Nellore District.
12. The Deputy Superintendent of Police, Atmakur, S.P.S.R. Nellore District.
13. The Deputy Superintendent of Police, Gudur, S.P.S.R. Nellore District.
14. The Station House Officer, B.N Kandriga Police Station, Chittoor District.
15. The Station House Officer, Tirupathi East Police Station, Chittoor District.
16. The Station House Officer, Tirupathi West Police Station, Chittoor District.
17. The Station House Officer, Alipiri Police Station, Chittoor District.
18. The Station House Officer, Tirupathi Crime South Police Station, Chittoor District.
19. The Station House Officer, Balaji Colony Police Station, Chittoor District.
20. The Station House Officer, Tiruchunaru Police Station, Chittoor District.
21. The Station House Officer, S.V. University Police Station, Chittoor District.
22. The Station House Officer, Muthyalareddypalli Police Station, Chittoor District.
23. The Station House Officer, Srikalahasti I Town Police Station, Chittoor District.
24. The Station House Officer, Srikalahasti II Town Police Station, Chittoor District.
25. The Station House Officer, Srikalahasti Rural Police Station, Chittoor District.
26. The Station House Officer, Thottambedu Police Station, Chittoor District.
27. The Station House Officer, Yerpedu Police Station, Chittoor District.
28. The Station House Officer, K V B Puram Police Station, Chittoor District.
29. The Station House Officer, Varadalahapalem Puram Police Station, Chittoor District.
30. The Station House Officer, Satyavedu Police Station, Chittoor District.
31. The Station House Officer, Tirupati Rural Police Station, Chittoor District.
32. The Station House Officer, Ramachandrapuram Police Station, Chittoor District.
33. The Station House Officer, Renugunta Urban Police Station, Chittoor District.
34. The Station House Officer, Renugunta Rural Police Station, Chittoor District.
35. The Station House Officer, Vadamalapeta Police Station, Chittoor District.
36. The Station House Officer, Chandragiri Police Station, Chittoor District.
37. The Station House Officer, Nellore I Town Police Station, S.P.S.R Nellore District.
38. The Station House Officer, Nellore II Town Police Station, S.P.S.R Nellore District.
39. The Station House Officer, Nellore III Town Police Station, S.P.S.R Nellore District.
40. The Station House Officer, Nellore IV Town Police Station, S.P.S.R Nellore

District.

41. The Station House Officer, Nellore V Town Police Station, S.P.S.R Nellore District.
42. The Station House Officer, Balaji Nagar Police Station, S.P.S.R Nellore District.
43. The Station House Officer, Nellore Rural Police Station, S.P.S.R Nellore District.
44. The Station House Officer, Venkatachala Satram Police Station, S.P.S.R Nellore District.
45. The Station House Officer, Podalakuru Police Station, S.P.S.R Nellore District.
46. The Station House Officer, Sangam Police Station, S.P.S.R Nellore District.
47. The Station House Officer, Atmakuru Police Station, S.P.S.R Nellore District.
48. The Station House Officer, Marripudu Police Station, S.P.S.R Nellore District.
49. The Station House Officer, Udhayagiri Police Station, S.P.S.R Nellore District.
50. The Station House Officer, Vinjainuru Police Station, S.P.S.R Nellore District.
51. The Station House Officer, Seetharamapuram Police Station, S.P.S.R Nellore District.
52. The Station House Officer, Anumasamudhrampeta Police Station, S.P.S.R Nellore District.
53. The Station House Officer, Kaluvoy Police Station, S.P.S.R Nellore District.
54. The Station House Officer, Ananthasagaram Police Station, S.P.S.R Nellore District.
55. The Station House Officer, Chejerla Police Station, S.P.S.R Nellore District.
56. The Station House Officer, Kondapuram Police Station, S.P.S.R Nellore District.
57. The Station House Officer, Varikuntapadu Police Station, S.P.S.R Nellore District.
58. The Station House Officer, Duttaluru Police Station, S.P.S.R Nellore District.
59. The Station House Officer, Kaligiri Police Station, S.P.S.R Nellore District.
60. The Station House Officer, Kovuru Police Station, S.P.S.R Nellore District.
61. The Station House Officer, Kodavaluru Police Station, S.P.S.R Nellore District.
62. The Station House Officer, Vidavalur Police Station, S.P.S.R Nellore District.
63. The Station House Officer, Buchireddy palem Police Station, S.P.S.R Nellore District.
64. The Station House Officer, Thotapalliguduru Police Station, S.P.S.R Nellore District.
65. The Station House Officer, Muthukuru Police Station, S.P.S.R Nellore District.
66. The Station House Officer, Indukurupeta Police Station, S.P.S.R Nellore District.
67. The Station House Officer, Venkatachalam Police Station, S.P.S.R Nellore District.
68. The Station House Officer, Venkatachala Satram Police Station, S.P.S.R Nellore District.
69. The Station House Officer, Sullurupeta Police Station, S.P.S.R Nellore District.
70. The Station House Officer, Shriharikota Police Station, S.P.S.R Nellore District.
71. The Station House Officer, Shriharikota Marine Police Station, S.P.S.R Nellore District.
72. The Station House Officer, Tada Police Station, S.P.S.R Nellore District.
73. The Station House Officer, Venkatagiri Police Station, S.P.S.R Nellore District.

74. The Station House Officer, Dakkali Police Station, S.P.S.R Nellore District.
75. The Station House Officer, Balayapsli Police Station, S.P.S.R Nellore District.
76. The Station House Officer, Rapur Police Station, S.P.S.R Nellore District.
77. The Station House Officer, Naidupet Police Station, S.P.S.R Nellore District.
78. The Station House Officer, Doravari Satram Police Station, S.P.S.R Nellore District.
79. The Station House Officer, Pellakur Police Station, S.P.S.R Nellore District.
80. The Assistant Cane Commissioner (FAC), Chittoor, Chittoor District.
81. The Assistant Cane Commissioner (FAC), S.R.S.R Nellore, S.P.S.R Nellore District. (1 to 81 by RPAD)
82. One CC to Sri Kilaru Nithin Krishna, Advocate [OPUC]
83. Two CCs to GP for Home, High Court of Andhra Pradesh.[OUT]
84. One spare copy ✓

SP

HIGH COURT

RRRJ

DATED: 06/05/2021

POST ON 18.06.2021 IN MOTION LIST.

ORDER

WP.No.9478 of 2021

DIRECTION

