

 [3208]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

MONDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
CRIMINAL PETITION NO: 3433 OF 2022

Between:

Talari Rama Krishna, S/o Venkata Ramana, Aged- 29 years, Occ- Sub-Inspector of Police, Station House Officer, Nuzvid Town Police Station, Krishna District.

Petitioner/Accused No.2

AND

1. The State of Andhra Pradesh, Rep., by its Public Prosecutor, High Court at Amaravati.
2. Dasari Srinivasa Rao, S/o Kanaka Chandra Rao, Aged- 35 years, R/o D.No. 42-60-5, Block No. 59, near Water Tank, Ajith Singh Nagar, Vijayawada, Krishna District.

Respondents

WHEREAS the Petitioner/Accused above named through his Advocate SRI K JYOTHI PRASAD presented this Petition under Section 482 of Cr.P.C, the High Court may be pleased to quash all further proceedings in C.C.No.307 OF 2022 on the file of the Judicial First Class Magistrate cum Junior Civil Judge, Nuzvid, Krishna District, in the interest of justice

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri K JYOTHI PRASAD Advocate for the Petitioner, and of PUBLIC PROSECUTOR for Respondent No1, directed issue of notice to the Respondents herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Dasari Srinivasa Rao, S/o Kanaka Chandra Rao, Aged- 35 years, R/o D.No. 42-60-5, Block No. 59, near Water Tank, Ajith Singh Nagar, Vijayawada, Krishna District.

are 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 affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted,

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an interim stay of all further proceedings in C.C.No.307 OF 2022 on the file of the Judicial First Class Magistrate cum Junior Civil Judge, Nuzvid, Krishna District, pending disposal of CRLP No.3433 of 2022, on the file of the High Court.

The Court made the following:

ORDER:

"Notice to the respondent(s).

Learned counsel for the petitioner(s) is permitted to take out personal notice to the 2nd respondent by Registered post with acknowledgment due and file proof of service into the Registry.

Learned counsel for the petitioner submitted that the defacto complainant while filing the private complaint, has not followed the procedure contemplated under rules framed in Criminal Procedure Code, 1973 which is contrary to the observations made by the Apex Court in case between **PRIYANKA SRIVASTAVA AND ANOTHER v STATE OF UTTAR PRADESH AND OTHERS (2015) 6 SCC 287**

Considering the submissions made by the learned counsel for the petitioner and on perusal of the complaint filed by the defacto complainant, there shall be stay of all further proceedings in CC.No.307 of 2022 on the file of the

Judicial First Class Magistrate-cum-Junior Civil Judge, Nuzvid, Krishna District,
including appearance in so far as the petitioner herein is concerned."

SD/- A.VIJAYA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

To,

For

SECTION OFFICER

1. The Judicial First Class Magistrate cum Junior Civil Judge, Nuzvid, Krishna District
2. Dasari Srinivasa Rao, S/o Kanaka Chandra Rao, Aged- 35 years, R/o D.No. 42-60-5, Block No. 59, near Water Tank, Ajith Singh Nagar, Vijayawada, Krishna District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
5. One spare copy

HIGH COURT

DRJ

DATED:02/05/2022

NOTICE BEFORE ADMISSION

CRLP.No.3433 of 2022

STAY

