



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

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 4003 OF 2024

Between:

1. K.Linganna@ Manipal, S/o K.Sudarsahanam Hindu, aged about 47 years, H.No.47/121, Budhwarapeta, Kurnool. Kurnool district.
2. Y.Pulliah, S/o Y.Obanna Hindu, aged about 50 years, H.No. 50/348, 8-L-I IA, B Camp, Kumool City. Kumool District

Petitioners/Accused No.1 & 3

AND

1. The State of Andhra Pradesh, rep.by the Public Prosecutor through Kurnool III Town Police Station Kurnool District, High Court of Andhra Pradesh at Amaravathi

Respondent

2. Y.Soma Sekhar, S/o Late Y.Eswaraiah Hindu, aged about 52 years, H.No.2-2-18/47, B-20, Flat No.502, Sai Krupa Residency, DD Colony, Amberpet, Hyderabad- Telangana State 500013

Respondent/ Complainant

WHEREAS the Petitioners/Accused No.1 & 3 above named through their Advocate Sri S SYAMSUNDER RAO presented this 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 quash the proceedings in to quash the proceedings in FIR.No. 602 of 2023 Dated:28.10.2023 , Kurnool III Town Police Station, Kurnool, Kurnool District;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of S SYAMSUNDER RAO Advocate for the Petitioners and 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:

Y.Soma Sekhar, S/o Late Y.Eswaraiah Hindu, aged about 52 years, H.No.2-2-18/47, B-20, Flat No.502, Sai Krupa Residency, DD Colony, Amberpet, Hyderabad- Telangana State 500013.

are be and hereby directed to show cause either appearing in person or through an Advocate within eight weeks to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2024

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay of all further proceedings in FIR.No. 602 of 2023 Dated:28.10.2023 , Kurnool III Town Police Station, Kurnool, Kurnool District, pending disposal of CRLP No. 4003 of 2024, on the file of the High Court.

The Court made the following ORDER:

“Learned Assistant Public Prosecutor takes notice for respondent No.1 and seeks time to get instructions in the matter.

Issue notice to respondent No.2.

Learned counsel for the petitioners is permitted to take out personal notice on respondent No.2 by registered post with acknowledgment due and file proof of service before the Registry within a period of three (3) weeks.

Learned counsel for the petitioners submits that earlier FIR No.592 of 2023 was registered on 16.10.2023 by the same police on the complaint given by the 2nd respondent herein and then it was challenged before this Court vide CrI.P.No.8545 of 2023, and in the said Criminal Petition, notice sent to the 2nd respondent was served as directed by this Court and proof of service was also filed. He further submits that with regard to the same offences said to have happened on 14.10.2023 at the same time i.e., 8.00 hours, another crime was registered on 28.10.2023, vide FIR No.602 of 2023 by adding some more accused and thus the registration of second FIR for the same reason is impermissible.

Learned Assistant Public Prosecutor submitted that the second complaint is with regard to the fake GPA being created and some more accused are also found involved in the commission of the crime.

In reply, learned counsel for the petitioners submitted that there cannot be registration of second FIR instead of any further investigation in the same crime. The matter requires examination.

In view of the said reasons, there shall be interim stay of all further proceedings in Crime No.602 of 2023 of Kurnool III Town Police Station, Kurnool district, in respect of the petitioners herein/A1 and A3 only, for a period of twelve (12) weeks.

List the matter along with connected CrI.P.No.965 of 2024 after eight (8) weeks.”

Sd/- G.HELAKA NAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Station House Officer, Kurnool III Town Police Station, Kurnool district.

2. Y.Soma Sekhar, S/o Late Y.Eswaraiah Hindu, aged about 52 years, H.No.2-2-18/47, B-20, Flat No.502, Sai Krupa Residency, DD Colony, Amberpet, Hyderabad- Telangana State 500013. **(by RPAD- along with a copy of petition and memorandum of grounds)**
3. One CC to SRI. SYAMSUNDER RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh. [OUT]
5. **One spare copy**

ER

HIGH COURT

SRKJ

DATED:20/06/2024

LIST THE MATTER AFTER EIGHT (8) WEEKS

NOTICE TO RESPONDENT NO.2

CRLP.No.4003 of 2024

INTERIM STAY

