

[3457]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 4960 OF 2025



Between:

Vemulapalli Sridhar Babu, S/o. V.Subhas Chandra Bose Hindu, Aged 45 Years, Managing Partner, M/s Sneha Analytics Scientifics, R/o. 49-89-1/1. Lalitha Nagar, Akkayyapalem, Visakhapatnam.

Petitioner/Accused-1

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor, AP High Court, Amaravathi.

Respondent

2. Neeraj Jain, S/o. Vinod Jain, Age 41 Years, R/o. New Delhi, C/o. M/s. Lotus intertrade Pvt Ltd Swayamsewa society CGHS, Jhimil Colony, East Delhi-110095.

Respondent/Defacto Complainant

Petition under 482 of Criminal Procedure code/ Section 528 of BNSS is filed praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to call for the records and quash the proceedings against the Petitioner/Accused No. 1 in CC. No. 2079 of 2024 on the File of the Court of the Chief Metropolitan Magistrate Visakhapatnam in the interest of justice

IA NO: 2 OF 2025

Petition under 482 of Criminal Procedure code/ Section 528 of BNSS is filed praying that in the circumstances stated in the affidavit filed in support of



the petition, the High Court may be pleased to grant stay of all further proceedings against the Petitioner/Accused No. 1 including appearance in C.C. No. 2079 of 2024 on the File of the Court of the Chief Metropolitan Magistrate, Visakhapatnam, Pending disposal of CRLP 4960 of 2025, 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 RAMAKRISHNA AKURATHI Advocate for the Petitioner, PUBLIC PROSECUTOR for the Respondent No.1 and the Court made the following

ORDER

“Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the State.

The learned counsel for the petitioner submits that the petitioner is arraigned as an accused No.1 in C.C.No.2079 of 2024 on the file of Chief Metropolitan Magistrate, Visakhapatnam, for the alleged offences under Sections 406, 420, 120 (b) r/w 34 of IPC.

It is submitted that the petitioner and the 2nd respondent have an agreement for the sale and purchase of Indonesian Stream Coal, vide contract dated 24.01.2018. It is also submitted that there is a dispute resolution clause in the agreement, which mandates referring any dispute arising between the parties to arbitration. However, the 2nd respondent has filed a false complaint for the alleged offences under Sections 406, 420, 120B r/w 34 of the IPC.

It is submitted that the petitioner cannot be accused of committing the offences when there is a contract, and all disputes arising out of the said contract would have to be referred to arbitration.

Considering the same, there shall be a stay of appearance of the petitioner in C.C.No.2079 of 2024 on the file of Chief Metropolitan Magistrate, Visakhapatnam, except on dates when the petitioner's

presence is required, as directed by the learned Magistrate, for the purpose of the trial.

The learned counsel for the petitioner is permitted to take out personal notice to the respondent No.2 through registered post with acknowledgment due and file proof of service in the Registry.

Post the matter on 24.06.2025.”

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

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//TRUE COPY//

For As

To,

1. The Chief Metropolitan Magistrate, Visakhapatnam
2. Neeraj Jain, S/o. Vinod Jain, Age 41 Years, R/o. New Delhi, C/o. M/s. Lotus intertrade Pvt Ltd Swayamsewa society CGHS, Jhimil Colony, East Delhi-110095. (by RPAD)
3. One CC to SRI. RAMAKRISHNA AKURATHI Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
5. **One spare copy**

HIGH COURT

HN,J

DATED:06/05/2025

POST THE MATTER ON 24.06.2025

ORDER

CRLP.No.4960 of 2025

STAY

