

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
CRIMINAL PETITION NO: 3609 OF 2022



Between:

Yeluri Ramachandra Reddy, S/o Y. Gali Veera Reddy, 41 years, occ Business, R/o Flat No.1A, Rohit Apartments, Vivekananda Colony, Kukatpally, Hyderabad, Telangana State.

...Petitioner/Accused No.1

AND

1. State of A.P., Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Nelapadu, Amaravati, Guntur District.
2. Nallaballe Venkata Ramudu @ Ravi, s/o Ramudu, 46 years, Occ Business, R/o D.No.3/460, Sreeramula Peta, Yerraguntla Village & Mandal, YSR District.

...Respondents/Complainant

Whereas the Petitioner/Accused No.1 above named through his Advocate Sri D. RAM BABU, presented this Criminal Petition filed 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 C.C.No.886/2019 on the file of the Hon'ble Judicial Magistrate of First Class, Kamalapuram, YSR District arising out of Charge Sheet dated 10.7.2019 in Yerraguntla Police Station Crime No.138/2016 u/s 406, 420, 409, 120(B), 506 r/w 34 IPC.

And Whereas the High Court upon perusing the Criminal petition and memorandum of grounds herein and upon hearing the arguments of Sri D. RAM BABU, Advocate for the Petitioner/Accused No.1, and of 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:

Nallaballe Venkata Ramudu @ Ravi; S/o Ramudu, Occ Business, R/o D.No.3/460, Sreeramula Peta, Yerraguntla Village & Mandal, YSR District.

are be and hereby 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 grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted on or before 13.06.2022, as the Case is ordered to be posted after Summer Vacation, 2022.

IA NO: 2 OF 2022

Petition filed 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 grant stay of all further proceedings in C.C.No.886/2019 on the file of the Hon'ble Judicial Magistrate of First Class, Kamalapuram, YSR District including stay of arrest of the petitioner herein, pending disposal of CRLP No. 3609 of 2022, on the file of the High Court.

The Court made the following:
ORDER:

Notice to the respondents

Learned counsel for petitioner is permitted to take out personal notice to the unofficial respondent No.2 by registered post with acknowledgment due and file proof of service into the Registry.

On perusal of the material available on record, it is an undisputed fact that the petitioner as well as the 2nd respondent are partners and even according to the statement of LW1, they have entered into several agreements in respect of their business as partners.

The Apex Court in *Velji Raghavji Patel v. State of Maharashtra* [1964 Law Suit (SC) 330], held that if the dispute is between the partners, in the absence of special agreement making entrustment of property to a particular partner, it would not come under the definition of 'breach of trust'.

Considering the submissions of the learned counsel for the petitioner and in view of the observations of the Apex Court in the decision cited *supra* there shall be stay of all further proceedings in C.C.No.886 of 2019 on the file of the Judicial Magistrate of First Class, Kamalapuram, YSR District, for a period of (8) eight weeks.

Post this case after summer vacation-2022.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For


SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Kamalapuram, YSR District.
2. The Station House Officer, Yerraguntla Police Station, YSR Kadapa District.
3. Nallaballe Venkata Ramudu @ Ravi, S/o Ramudu, Occ Business, R/o D.No.3/460, Sreeramula Peta, Yerraguntla Village & Mandal, YSR District.
(by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to Sri. D. RAM BABU, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. One spare copy

VD

HIGH COURT

DR, J

DATED:06/05/2022

NOTE: POST THIS CASE AFTER SUMMER VACATION, 2022.

NOTICE BEFORE ADMISSION

CRLP.No.3609 of 2022

STAY

