

(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: 3610 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 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.18/2021 on the file of Hon'ble Judicial Magistrate of First Class, Kamalapuram, YSR District arising out of Charge Sheet dated 30.7.2019 of Yerraguntla Police Station vide Crime No.307/2018, dated 2.11.2018 and Crime No.330/2018, dated 24.11.2018 both registered 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 filed 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, forthwith.

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..18/2021 on the file of Hon'ble Judicial Magistrate of First Class, Kamalapuram, YSR District including stay of arrest of the petitioner herein, pending disposal of CRLP No. 3610 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 also 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.18 of 2021 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/-G. HELA NAIDU

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Judicial Magistrate of First Class, Kamalapuram, YSR District.
2. The Station House Officer, Yerraguntla U/G Police Station, YSR 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.3610 of 2022

STAY

