

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTIETH DAY OF JULY,
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

IA No. 2 OF 2021

IN

CRLP NO: 4033 OF 2021



Between:

1. Tatavarthi Sai Hari Manikanta, S/o Kondala Rao, Aged about 37 years, R/o 25-18-19, Sampathnagar, Main Road, Guntur. (A1)
2. Innamuri Basavaiah, S/o Garataiah, Aged about 52 years, R/o 25-18-19, Sampathnagar, Main Road, Guntur. (A2)
3. Innamuri Venkata Lakshmi Kumari, W/o Subrahmanyam, Aged about 49 years, R/o 25-18-19, Sampathnagar, Main Road, Guntur. (A3)
4. Innamuri Sai Kumar, S/o Subrahmanyam, Aged about 27 years, R/o 25-18-19, Sampathnagar, Main Road, Guntur. (A4)

...Petitioners/Accused No.1 to 4

AND

1. The State of Andhra Pradesh, Rep. by S.H.O. Lalapet P.S , Through Public Prosecutor, High Court of Judicature of Andhra Pradesh At Amaravati
2. B. Thirupal(Defacto Complainant), S/o not known to the petitioners, Aged about 64 years, Retd. Additional Superintendent of Police, R/o Flat No. 503, Fortune Heights, 5th Lane Rajendra Nagar, Guntur

...Respondents

Counsel for the Petitioners: SRI A VENKATA DURGA RAO

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in support of the CrIP, the High Court may be pleased to stay all further proceedings including the arrest of the Petitioners/Accused No.1 to 4 in Cr.No.350/2021 of Lalapet P.S, pending disposal of CRLP No.4033 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

“The present FIR No.350 of 2021 is registered for the offences punishable under Sections 420, 406, 468, 506 of IPC and Sections 3(1)(s) of SC & ST (POA) Act. It is alleged that the petitioners who are A1 to A4 have withdrawn an amount of Rs.21,59,000/- from the complainant's salary saving account without the knowledge of the complainant and on the intervention of the complainant's friends the petitioners issued four cheques for Rs.19,00,000/- for repayment of the said amounts, but the same were dishonoured with an endorsement ‘funds insufficient’. It is also alleged in the complaint that the petitioners have been dragging on the issue since two years without paying the money and when the complainant along with his friends questioned him about the same, the petitioners threatened him with dire consequences in public place and abused him by touching his caste name.

Heard both sides.

Learned counsel for the petitioners submits that the petitioners are falsely implicated in the crime and it is impossible to draw the amounts from the complainant's account without his knowledge. He submits that there are financial transactions between the families of A1 and the complainant and several amounts were taken on different dates. He submits that the transaction is of civil in nature and hence the offences as alleged are not attracted.

A perusal of the averments of the complaint, *prima facie* shows that the transaction is purely civil in nature.

In view of the same, there shall be stay of all further proceedings in crime No.350 of 2021 of Lalapet Police Station, Guntur Urban, including arrest of the petitioners."

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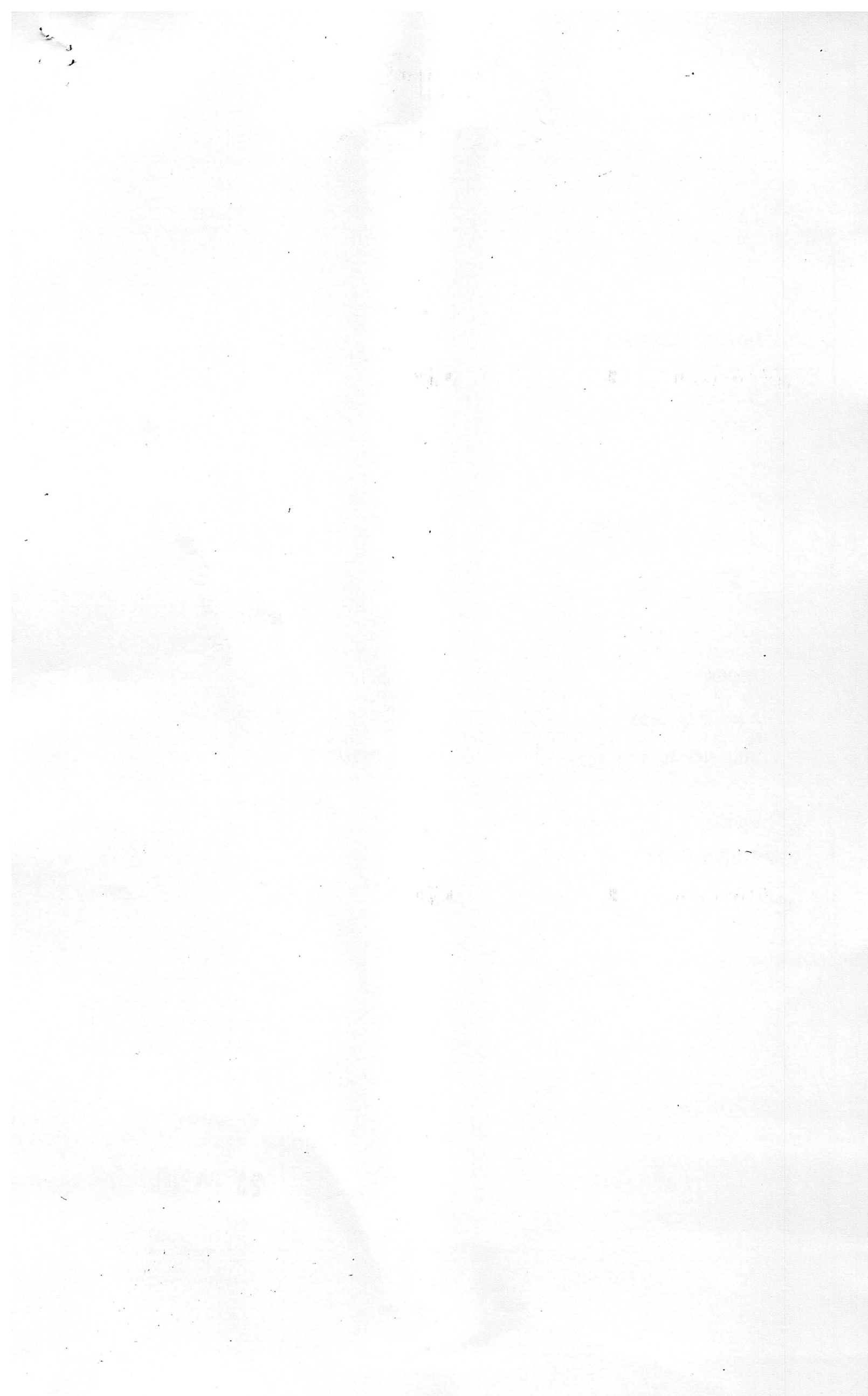
Sd/-K.TataRao
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Lalapet Police Station, Guntur District.
2. B. Thirupal(Defacto Complainant), S/o not known to the petitioners, Aged about 64 years, Retd. Additional Superintendent of Police, R/o Flat No. 503, Fortune Heights, 5th Lane Rajendra Nagar, Guntur (By RPAD)
3. One CC to Sri Venkata Durga Rao A, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh.[OUT]
5. One spare copy

SP



HIGH COURT

LKJ

DATED: 20/07/2021

ORDER

IA No. 2 OF 2021
IN
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INTERIM STAY

