

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE FOURTH DAY OF AUGUST, TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

I.A. No. 1 of 2021

IN

CRL.P.No. 4402 of 2021

Between :-

- 1.Chakrayapeta Mohammad Shakeer, S/o. Mohammad Ghouse.
- 2.P. Munwar Ali Khan, S/o. Najrulla Khan
- 3.M.K. Arif Khan, S/o. Khadervali Khan
- 4.J. Sankara Rao, S/o. J. Yekambaram
- 5.D. Ramesh, S/o. Lakshminarayana.



..Petitioners/Accused

(Petitioners in Crl.P.No. 4402 of 2021

On the file of High Court)

AND

- 1.The State of A.P., Rep. by its Public Prosecutor,
High Court of A.P., Amaravati, Guntur.
- 2.Chedabavi Arifunnisa, W/o. Tajuddin, R/o. Door No.12-129/130,
Ansar Basha Street, Valisab Road, Kadiri Town, Kadiri Mandal,
Anantapuram District.

..Respondents

(Respondents in -do).

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to stay of all further proceedings in FIR No. 634 of 2020 dt : 08-10-2020, on the file of Kadiri Urban Police Station, including arrest of the petitioners, pending disposal of Crl.P.No. 4402/2021 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and memo of grounds filed herein and upon hearing the arguments of Sri Ravula Nagarjuna, Advocate for the Petitioners and of the Public Prosecutor for respondent No.1/State, the Court made the following

ORDER:-

“The petitioners are A-1 to A-5 in Crime No.634 of 2020 of Kadiri Urban Police Station, Anantapur District, dated 08.10.2020, registered for the offences punishable under Sections 120(B), 420, 467, 468, 471, 506 r/w 34 IPOC and under Section 156(3) Cr.P.C. pursuant to the docket order, dated 28.09.2020, passed in C.F.No.321 of 2020 on the file of the learned Additional Judicial Magistrate of First Class, Kadiri.

Learned counsel for the petitioner submits that learned Magistrate without application of mind has passed the order and directed the police to investigate into the matter. He submits that the docket order is contrary to the order of the Hon'ble Apex Court in *Priyanka Srivastava Vs. State of Uttar Pradesh* reported in (2015) 6 SCC 287. He further submits that even in the private complaint, there is no signature of the complainant, now an affidavit, in support of the same, is filed. Without considering any of these aspects, in a mechanical manner, the Court below has directed the police to investigate the matter.

Contd..2....

Taking into consideration these factors that without there being any affidavit and without any signature of the complainant in the copy of the complaint, the Magistrate directed the police to investigate the matter in a very mechanical manner, there shall be stay of all further proceedings in F.I.R No.634 of 2020 of Kadiri Urban Police Station, only insofar as the petitioners/A-1 to A-5 are concerned, until further orders.”

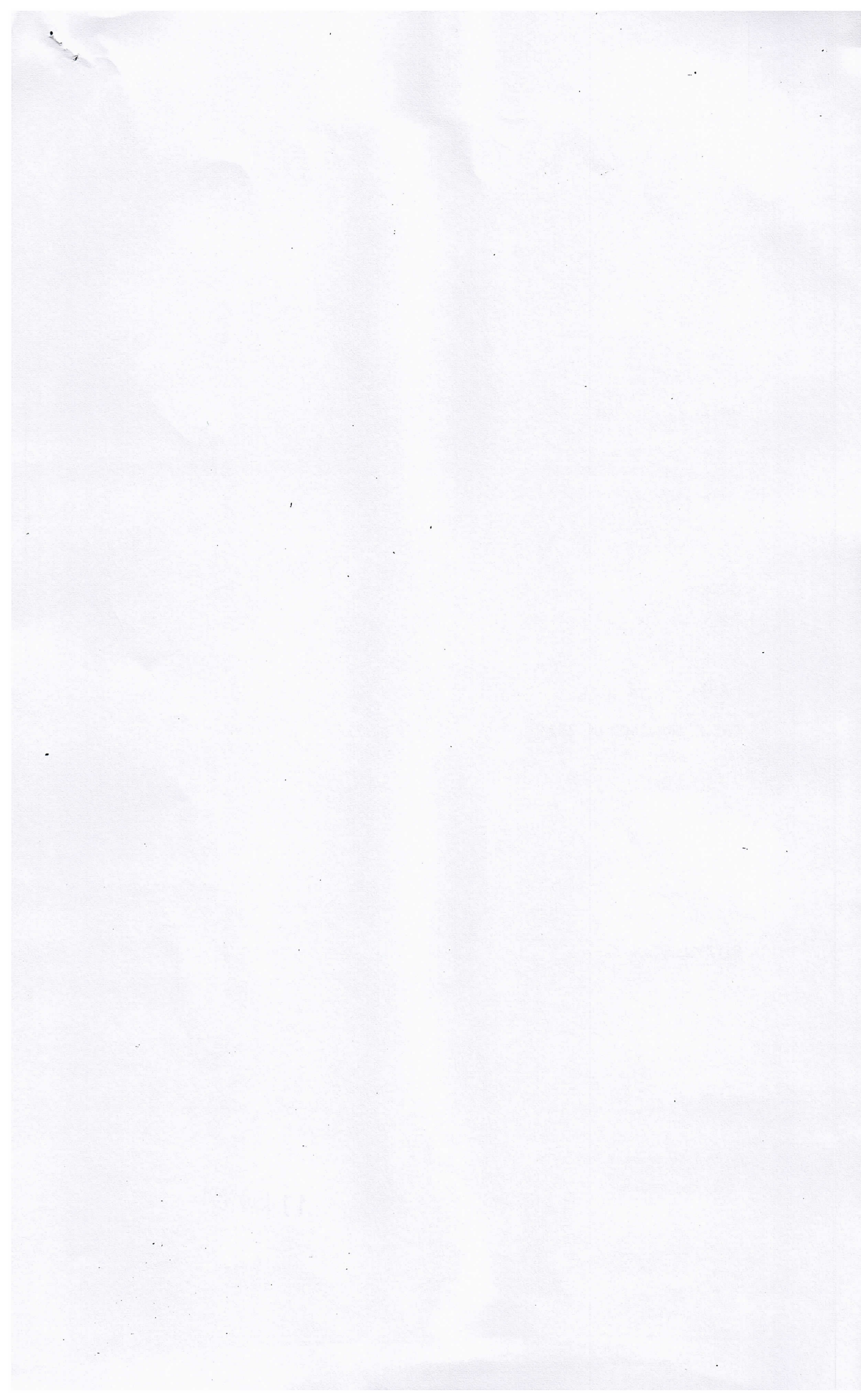
// TRUE COPY //

Sd/-V.Satyanarayana
ASSISTANT REGISTRAR
SECTION OFFICER

To

- 1.The Station House Officer, Kadiri Urban Police Station,
Anantapuramu District.
- 2.Chedabavi Arifunnisa, W/o. Tajuddin, R/o. Door No.12-129/130,
Ansar Basha Street, Valisab Road, Kadiri Town, Kadiri Mandal,
Anantapuram District.(By RPAD)
- 3.Two CCs to the Public Prosecutor, High Court of A.P., at Amaravati(OUT)
- 4.One CC to Sri Ravula Nagarjuna, Advocate [OPUC]
- 5.One spare copy.

TKK



HIGH COURT

LK.J

DATE: 04-08-2021

ORDER

**I.A.No. 1 of 2021
IN
CRL.P. No. 4402 of 2021**

INTERIM STAY

