

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

THURSDAY, THE FOURTH DAY OF JULY,
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 2 OF 2024

IN

CRLP NO: 4494 OF 2024

Between:

1. Gunja Venkateswarlu, alias Naasara Vekateswarlu S/o. N Naganna, aged about 59 years, R/o.1-1-257, Karnamaiah Veedhi, Allagadda, Kurnool District.
2. Gunja Nagamma, alias Naasara Nagamma, W/o. Naasara Vekateswarlu, aged about 47 years R/o.1-1-257, Karnamaiah Veedhi, Allagadda, Kurnool District.
3. Gunja Siva Sankar, alias Naasara Siva Sankar, S/o. Naasara Vekateswarlu, aged about 31 years R/o.1-1-257, Karnamaiah Veedhi, Allagadda, Kurnool District.
4. Gunja Hah Sankar, alias Naasara Hah Sankar, S/o. Naasara Vekateswarlu, aged about 27 years, R/o.1-1-257, Karnamaiah Veedhi, Allagadda, Kurnool District.

...Petitioner/Accused No.2 to 5

(Petitioner in CRLP 4494 OF 2024

on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh Amaravathi, Guntur District.
2. Gunja Nirosha, W/o. Gunja Peddaiah, aged about 33 years R/o. Amaravathi Nagar, Kurnool road, Ongole Town, Prakasam District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioners : M/s PILLIX LAW FIRM

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 is filed praying that in the circumstances stated in memorandum of grounds of Criminal Petition, the High Court may be pleased to not to take any coercive steps against the petitioners in CR.No.350 of 2024 on the file of Ongole Taluk Police Station, Prakasam District, pending disposal of CRLP No.4494 of 2024, 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).

ORDER:

“Heard learned counsel for the petitioners.

Learned counsel for the petitioners would submit that the petitioners are family members of A1 in this case and police registered FIR in Crime No.350 of 2024 on the file of Ongole Taluk Police Station against the petitioners and others for the offence punishable under Sections 498-A, 323, 506 read with 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act. The *defacto* complainant impleaded the petitioners also with false allegations only to harass them.

Considering the above facts and circumstances as the alleged offences are punishable less than seven years imprisonment, the police are directed to follow the procedure under Section 41A of Criminal Procedure Code, as directed by the Hon'ble Apex Court in *Arnesh Kumar Vs. State of Bihar and another*¹'s case.”

Sd/- Sk.Md.Rafi
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

¹ (2014) 8 SCC 273

To,

1. The Station House Officer, Ongole Taluk Police Station, Prakasam District
2. Gunja Nirosha, W/o. Gunja Peddaiah, /o. Amaravathi Nagar, Kurnool road, Ongole Town, Prakasam District. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to M/s Pillix Law Firm, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

HIGH COURT

BVLNC,J

DATED:04/07/2024

NOTE: LIST THE MATTER ON 01.08.2024

ORDER

IA.No.2 OF 2024
IN
CRLP.No.4494 of 2024

direction
INTERIM STAY

