

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

[3240]

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI



IA No. 1 OF 2021

IN

CRLP NO: 4450 OF 2021

Between:

R.Sagar Bhat, S/o N Ravindra, Age 40 years, Occ: Manager, R/o. 1321, 1st cross, next to Bharat Petrol bunk, Madanapalle Road, Nagireddipalli Kadiri, Ananthapuramu District
...Petitioner/Petitioner
(Petitioner in CRLP 4450 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, Amaravathi Guntur.
2. Shaik Mahammad Faizulla, S/o Zakriya, aged about 38 years, R/o Door No.10-665, Yusuf Street, Valisab Road, Kadiri, Ananthapuramu District
...Respondents/Respondents
(Respondents in-do-)

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds of criminal petition, the High Court may be pleased to stay of all further proceedings in FIR No.90 of 2021 dt 26-03-2021, on the file of Kadiri Urban Police Station, including arrest of the Petitioner, pending disposal of CRLP No.4450 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/S RAVULA NAGARJUNA Advocate for the Petitioner and of PUBLIC PROSECUTOR for the Respondent No.1, the Court made the following

ORDER:

"The petitioner is A-2 in Crime No.90 of 2021 of Kadiri Urban Police Station, Anantapur District, dated 26.03.2021, registered for the offences punishable under Sections 415, 418, 420, 506 r/w 34 IPC and under Section 200 Cr.P.C pursuant to the docket order, dated 06.03.2021, passed in C.F. No.75 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 complainant did not file sworn affidavit along with the private complaint. He submits that in view of the same, 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 without considering any of these aspects, in a mechanical manner, the Court below has directed the police to investigate the matter.

Taking into consideration without there being any sworn affidavit along with the private complaint, the Magistrate directed the police to investigate the matter in a very mechanical manner, there shall be stay of all further proceedings in Crime No.90 of 2021 of Kadiri Urban Police Station, Anantapur District, only insofar as the petitioner/A-2 is concerned, until further orders."

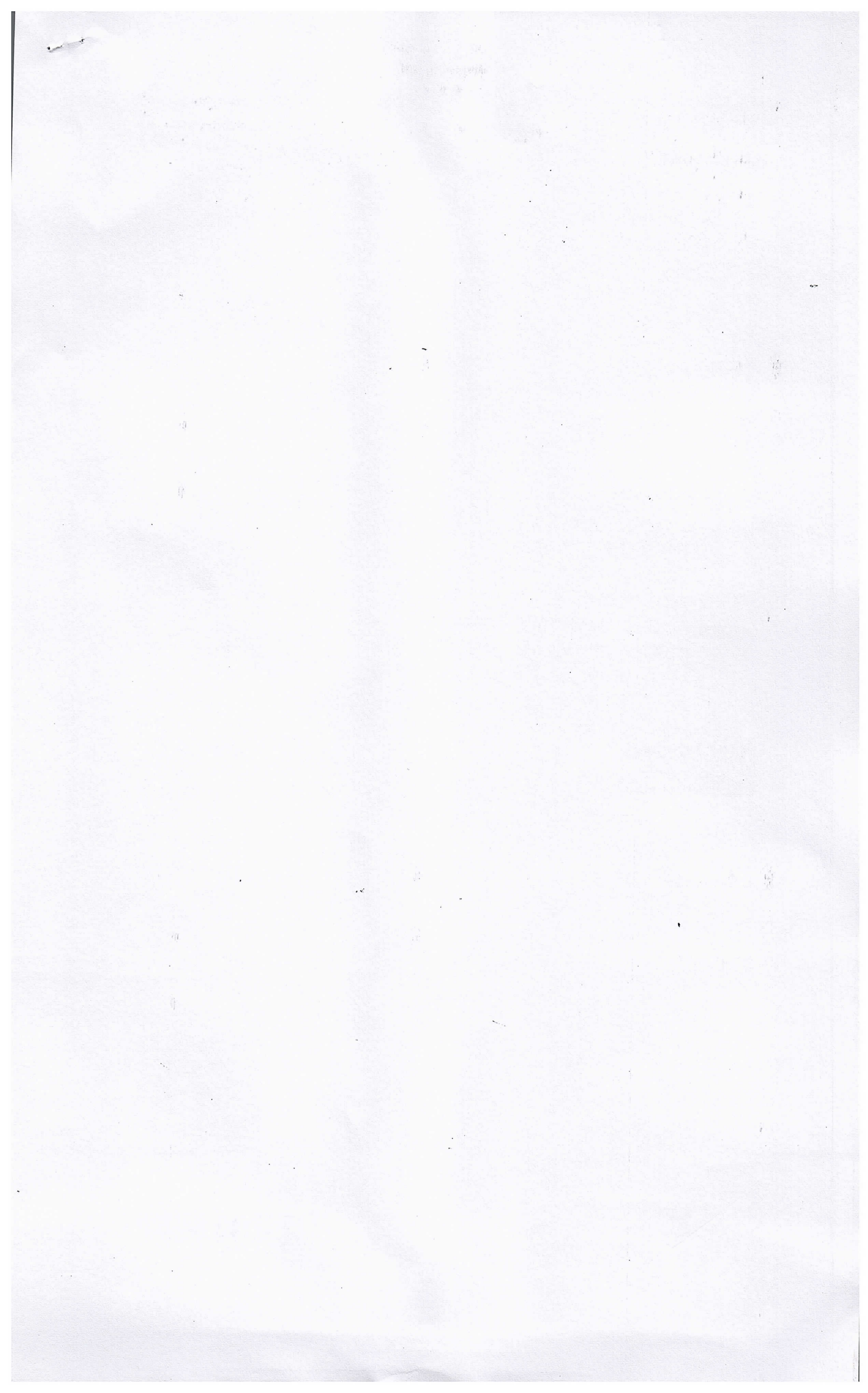
SD/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Additional Judicial Magistrate of First Class, Kadiri, Anantapur District ✓
2. The Station House Officer, Kadiri Urban Police Station, Anantapur District ✓
3. Shaik Mahammad Faizulla, S/o Zakriya, aged about 38 years, R/o Door No.10-665, Yusuf Street, Valisab Road, Kadiri, Ananthapuramu District (By RPAD) ✓
4. One CC to SRI RAVULA NAGARJUNA Advocate [OPUC] ✓
5. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT] ✓
6. One spare copy ✓



HIGH COURT /

LKJ /

DATED:06/08/2021 /

ORDER /

IA.NO.1 OF 2021 /
IN
CRLP.No.4450 of 2021 /

STAY /

