



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE TWENTY THIRD DAY OF AUGUST,
TWO THOUSAND AND TWENTY ONE
: PRESENT:
THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
IA No. 1 OF 2021
IN
CRLP NO: 4693 OF 2021

Between:

1. Venkata Sudha Swati Prasad Kavi @ Swathi Prasad, S/o Appalaraju, Aged 52 years, D. No. 9-7-19, Elvinpeta, Near House of Prayer Church, Gandhinagar, Kakinada, East Godavari District, Andhra Pradesh - 533004
2. Nadimulla Khan Durrani @ Durani, S/o Karimulla Khan Durrani late, Aged 55 years, D. No. 28-3-9/1, Durrani Veedhi, Kakinada Urban, East Godavari District, Andhra Pradesh - 533001.
3. S.S. Ramanjaneya Rao Dwivedula @ Anjibabu, C/o Dwivedula Venkata Ramarao Aged 53 years, D. No. 11-1-1, Prakasam Street, Opp- Eswar Pustaka Bandar, Ramaraopeta, Gandhinagar, Kakinada Urban, East Godavari District Andhra Pradesh - 533004.
4. Sabbella Sivannarayanareddy, S/o S. Navakoti Narayanareddy late Aged 38 years, D. No. 8-20-5, Gandhinagar, Chavalavari Street, Kakinada Urban, East Godavari District, Andhra Pradesh - 533004.

...Petitioners/Accused

AND

1. The State of Andhra Pradesh, rep by the Public Prosecutor, High Court at Amaravati
2. Gunepe Sobhan Babu, S/o Devdas Aged 48 years, Occ: Journalist, R/o D. No. 4-176, Devan Thota, Penuguduru Village, Karapa Mandal, East Godavari District, Andhra Pradesh

...Respondents/Complainants

Counsel for the Petitioners: SRI SREEDHAR SIVAKOTI

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 Criminal Petition, the High Court may be pleased to stay all further proceedings including the appearance of the Petitioner in F.I.R. No. 192 of 2021 of P.S. II-Town Kakinada for offences U/s 3 (1) (r) and 3 (1)(s) of SC/ST (PoA) Act of Cr. P.C.in the interest of justice, pending disposal of CRLP No.4693 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 petitioners are accused in Crime No.192 of 2021 of II Town Police Station, Kakinada, East Godavari District. The said F.I.R was registered against the petitioners for the offences punishable under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC and ST Act'). The petitioners sought quash of the F.I.R primarily on the ground that no offence is absolutely made out whatsoever from the contents of the F.I.R under Sections 3(1)(r) and 3(1)(s) of the SC and ST Act.

As rightly contended by the learned counsel for the petitioners, a reading of the allegations set out in the F.I.R does not prima facie make out any offence punishable under Sections 3(1)(r) and 3(1)(s) of the SC and ST Act. Therefore, the

petitioners could make out a strong prima facie case warranting interference of this Court to examine in the main Criminal Petition whether the launching of criminal prosecution against the petitioners for the aforesaid offences amounts to abuse of process of Court or not and whether the F.I.R is liable to be quashed or not.

Therefore, in the said facts and circumstances of the case, there shall be interim stay of further proceedings pursuant to registration of F.I.R in Crime No.192 of 2021 of II Town Police Station, Kakinada, East Godavari District, including arrest of the petitioners, till the next date of hearing.”

//TRUE COPY//

For /

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Station House Officer, II-Town Police Station, Kakinada.
2. Gunepe Sobhan Babu, S/o Devdas Aged 48 years, Occ: Journalist, R/o D. No. 4-176, Devan Thota, Penuguduru Village, Karapa Mandal, East Godavari District, Andhra Pradesh (by RPAD)
3. One CC to Sri Sreedhar Sivakoti, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh.[OUT]
5. One spare copy

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HIGH COURT

CMRJ

DATED: 23/08/2021

ORDER

IA No. 1 OF 2021

IN

CRLP.No.4693 of 2021

INTERIM DIRECTION

