

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.CrI.P.No.4892 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
3.	01.07.2026	<u>MRK,J</u> 1. Heard Mr. V.Nitesh, learned counsel for the petitioners. 2. Learned Assistant Public Prosecutor takes notice on behalf of respondent No.1-State. 3. Issue notice to the unofficial respondent No.2. 4. Learned counsel for the petitioners is permitted to take out personal notice to the 2nd respondent through speed post with acknowledgment due and file proof of service in the Registry. 5. Learned counsel for the petitioners submits that the 1st petitioner initially instituted a civil suit in O.S.No.13 of 2025 on the file of the learned II Additional District Judge, Kadapa at Proddatur, seeking specific performance of the Agreement of Sale dated 24.04.2020, by arraying the 2nd respondent herein as the defendant. The said suit is pending before the said competent Civil Court, and the 2nd respondent is contesting the same by filing a written statement. 6. Learned counsel for the petitioners further submits that while the said Civil Suit is pending, the	

		2nd respondent simultaneously initiated a Complaint under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, and basing on the said complaint, learned Magistrate, called for the explanation from the concerned Station House Officer, by way of official memorandum dated 03.11.2025. Subsequently, the concerned Sub-Inspector of Police, on 08.01.2026, submitted a report to the learned Magistrate, stating as follows: <i>"I further submits that, since several types of civil cases are already pending in the Hon'ble Civil Court against both of them, and the dispute between them is also civil in nature, then I advised him to seek resolution before the Hon'ble Civil Court."</i> 7. It is also stated that, again the learned Magistrate, on 23.03.2026, further directed the very same Station House Officer, to investigate into the matter in CFR.No.4262 of 2025 forthwith. Pursuant to the same, the concerned Sub-Inspector of Police, Proddatur Rural Police Station (claims to be dated as 06.04.2026) reiterated his earlier stand that the dispute between the complainant and the respondents is purely civil in nature (material page Nos.34 & 35). 8. Learned counsel further draws the attention of this Court to the material page No.36, which is the official memorandum dated 17.04.2026, through which, the learned Magistrate again directed the concerned Station House Officer to submit explanation as to what type of preliminary enquiry	
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		has been conducted in the said case on or before 23.04.2024 (material page No.36). Thereafter, the concerned Station House Officer submitted explanation seeking two weeks time, to complete the enquiry and to submit the comprehensive report (material page Nos.37 & 38). 9. Learned counsel for the petitioners further states that pursuant to an order passed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, on 24.04.2026, the concerned police, in order to protect themselves only, registered FIR in Crime No. 110 of 2026 of Proddatur Rural Police Station, Kadapa District, under Sections 318(4), 336(3), and 340(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, against the petitioners herein. The said FIR is assailed in the present <i>lis</i> primarily on the ground that, even assuming the allegations contained therein to be true and correct, the dispute is predominantly civil in nature. 10. Learned counsel further submits that the purported Agreement of Sale is the subject matter of the civil suit pending between the petitioners and the 2nd respondent before the competent Civil Court. By the very same facts, by adding criminal flavour, foisted the case. 11. On the other hand, learned Assistant Public Prosecutor seeks time to get instructions. 12. Considering the peculiar facts and circumstances of the present <i>lis</i>, added to that, as	
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		the central issue is <i>sub judice</i> before the competent Civil Court and also having regard to the well-settled legal principle laid down by the Hon'ble Supreme Court in <i>Om Prakash Ambadkar v. State of Maharashtra and others</i>¹ and <i>Sardool Singh and another vs. Nasib Kaur</i>², there shall be an interim stay of all further proceedings pursuant to the FIR in Crime No.110 of 2026, dated 24.04.2026, of Proddatur Rural Police Station, Proddatur, Kadapa District, for a period of twelve (12) weeks. 13. List the matter on 16.09.2026, for hearing of the main case. <u>MRK,J</u> MDP	
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¹ (2026) 2 SCC 622

² 1987 (Supp) SCC 146