

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE THIRD DAY OF SEPTEMBER, TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

I.A. No. 2 of 2021

IN

CRL.P.No. 4807 of 2021

Between :-

Bommu Praveen, S/o. Dinakar.

..Petitioner/Accused No.1

(Petitioner in Crl.P.No. 4807 of 2021

On the file of High Court)

AND

1.The State of Andhra Pradesh, through S.H.O., Machavaram Police Station,
Vijayawada City, Krishna District, rep. by Public Prosecutor

High Court of A.P., at Amaravati.

2.Narra Purnachandra Rao, S/o. Late Sessaiah, Occ : Retd. Service,
R/o.D.No.59-12-6, Gayatri Nagar Main Road, Vijayawada, Krishna 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 all further proceedings, including the arrest of the petitioner, in Crime No. 333 of 2021 dated 19-06-2021 on the file of Machavaram Police Station, Vijayawada City, Krishna District, pending disposal of Crl.P.No. 4807/2021 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 Smt Hima Bindu, Advocate for the Petitioner and of the Public Prosecutor for respondent No.1, the Court made the following

ORDER:-

The petitioner is A-1 in Crime No.333 of 2021 of Machavaram Police Station, Vijayawada City, registered for the offences punishable under Sections 420 r/w 34 IPC. On the report lodged by the 2nd respondent that the petitioner has collected Rs.2,65,00,000/- on the promise to register a land in his name and cheated him, the present crime is registered.

Learned counsel for the petitioner would submit that when the son of the de facto complainant lodged a report with the police in Hyderabad with the same allegation that the petitioner collected money from him with a promise to register a land in his favour that a case in Crime No.169 of 2020 on the file of CCS, Hyderabad, was registered and in the said case, the de facto complainant was also examined as a witness in the said case and the de facto complainant already stated in the said case that the petitioner herein has collected Rs.2,65,00,000/- from him with the similar promise and the de facto complainant was shown as L.W.2 in the charge sheet that was filed in the said case and as such when the criminal proceedings were already initiated relating to the amount collected by them from the de facto complainant in the said Crime No.169 of 2020 in Hyderabad that there cannot be any F.I.R registered again on the basis of the same allegation. Learned counsel for the petitioner would submit that the de facto complainant lodged another report based on the same allegation herein in Rachavaram Police Station in Krishna District in Andhra Pradesh, by suppressing the earlier case.

Contd..2...

As per the material produced before this Court by the petitioner, it is evident that the de facto complainant herein was shown as L.W.2 in the charge sheet that was filed in the Court of Metropolitan Magistrate, Hyderabad and on the basis of same allegation, already the petitioner herein is being prosecuted in the said case. Therefore, when criminal proceedings were already initiated on the basis of the said allegation, as rightly contended by the learned counsel for the petitioner, registration of second F.I.R again for the same offence is legally unsustainable.

Therefore, the petitioner could make out a prima facie case warranting interference of this Court to examine in the main Criminal Petition whether the legal proceedings initiated against the petitioner under the present F.I.R are legally sustainable or not and whether the said F.I.R is liable to be quashed or not.

Therefore, in the said facts and circumstances of the case, while allowing the investigation to go on, this Court is of the considered view that the petitioner is entitled for protection from arrest in the said case in view of the above discussion.

So, there shall be direction to the Investigating Officer not to take any coercive steps against the petitioner, who is A-1, in Crime No.333 of 2021 of Machavaram Police Station, Vijayawada City, including arrest, till the next date of hearing."

// TRUE COPY //

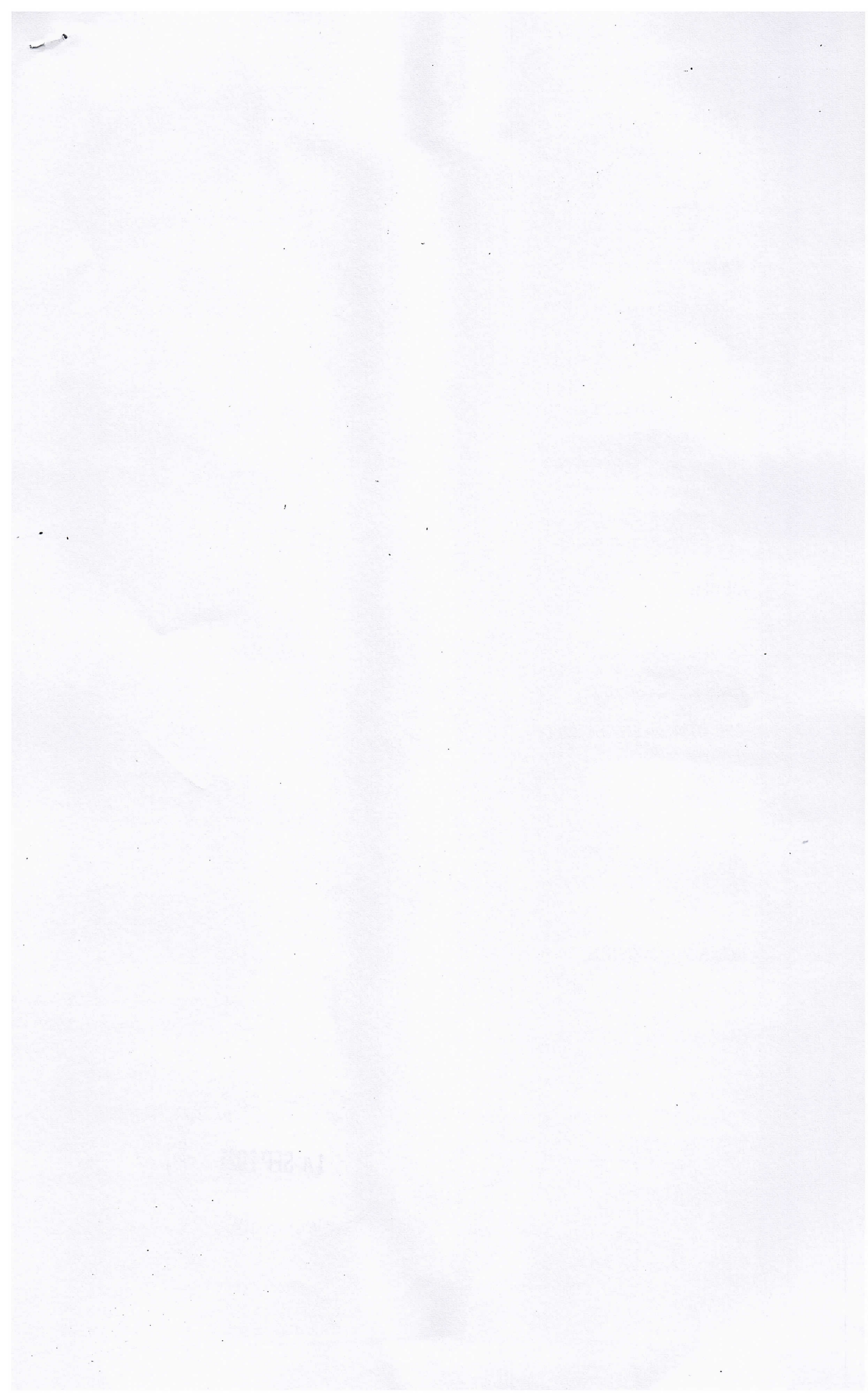
Sd/-B.NarsingaRao
ASSISTANT REGISTRAR
SECTION OFFICER

SECTION OFFICER

To

- 1.The Station House Officer, Machavaram Police Station, Vijayawada City, Krishna District.
- 2.Narra Purnachandra Rao, S/o. Late Seshaiah, Occ : Retd. Service, R/o.D.No.59-12-6, Gayatri Nagar Main Road, Vijayawada, Krishna District.(By RPAD)
- 3.One CC to Smt Hima Bindu, Advocate [OPUC]
- 4.One spare copy.

TKK



HIGH COURT

CMR.J

DATE: 03-09-2021

ORDER

I.A.No. 2 of 2021
IN
CRL.P. No. 4807 of 2021

INTERIM DIRECTION

