



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

**WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

I.A No. 1 OF 2021

IN

CRLP NO: 5097 OF 2021

Between:

M. Lakshmaiah, S/o. Jangaiah, aged about 40 years, R/o.H.No.6-14, Proddaturu village and Mandal, Ranga Reddy District

...Petitioner

(Petitioner in CRLP 5097 OF 2021
on the file of High Court)

AND

1. State, Rep. by Public Prosecutor For the State of Andhra Pradesh, High Court of Andhra Pradesh at Amaravathi.
2. Bhuma Siva Lakshamma, W/o. Veera Bhaskar Reddy, Aged about 59 years, Occ Housewife, R/o. Allagadda Town, Allagadda Mandal, Kurnool District.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioner : SRI C SUBODH

Counsel for the Respondent No.1 :PUBLIC PROSECUTOR

Petition under Section 482 Cr. PC 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 arrest in Crime No.226/2021 on the file of Allagadda Town P.S, Kurnool District, pending disposal of CRLP No. 5097 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).

ORDER

The petitioner is accused in Crime No.226 of 2021 of Allagadda Town Police Station, Kurnool District. On a report lodged by the 2nd respondent that he has forged and fabricated the document in question, the above crime was registered against him for the offences punishable under Sections 465, 468 and 471 of I.P.C.

The petitioner seeks quash of the said F.I.R. in the main criminal petition on the ground that already a suit has been filed for specific performance of contract on the basis of the said document and the document is now produced in the Court and as such, the prosecution for the said offences is not maintainable in view of the bar engrafted under Section 195 (1) (b) (ii) of Cr.P.C.

The bar engrafted in Section 195 (1) (b) (ii) of Cr.P.C. is on the Court to take cognizance of the case. It mandates that unless a complaint is made by the Court or by the officer authorized by the Court in respect of the document that is produced in the proceeding before this Court, that no Court shall take cognizance of the case. So, the bar is not on the police to register the F.I.R. and to investigate the same. Ultimately, if the police finds prima facie case and evidence regarding the offence that has been complained and files charge sheet, then, the bar under Section 195 (1) (b) (ii) of Cr.P.C. comes into play for the Court to take cognizance of the case. Therefore, in the said facts and circumstances of the case, the investigation cannot be interdicted. The facts of the case require investigation to ascertain whether the allegations ascribed in the F.I.R. are true or not.

Therefore, in the said facts and circumstances of the case, the petition is dismissed. However, as the offences registered against the petitioner are punishable with less than seven years period of imprisonment, the Investigation Officer shall follow the procedure contemplated under Section 41A Cr.P.C

//TRUE COPY//

Sd/-M.Suryanadha Reddy
ASSISTANT REGISTRAR

F SECTION OFFICER

To

1. Bhuma Siva Lakshamma, W/o. Veera Bhaskar Reddy, Occ Housewife, R/o. Allagadda Town, Allagadda Mandal, Kurnool District.
(by RPAD- along with a copy of petition and memorandum of grounds)
2. The Station House Officer, Allagadda Town Police Station, Kurnool District
3. One CC to Sri C Subodh Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court of A.P at Amaravati [OPUC]
5. One spare copy

tvr

HIGH COURT

CMRJ

DATED:08/09/2021

ORDER

CRLP.No.5097 of 2021

