



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

**:PRESENT:
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5209 OF 2023**

Between:

Kum. C. Rohini Roy, D/o.Sai Baba aged about 25 years, Occ.Chief Executive Officer Roy Opportune Pvt.Ltd. O/o.Solarpuria Windsor. Ulsoor Road, Bangalore R/o.C/o.D.No.1-6, R.K Chowdary Buildings Tirupati, Tirupati District Andhra Pradesh

Petitioner/Accused

AND

1. The State Of Andhra Pradesh, Rep by its Public Prosecutor High Court, Amaravati.
2. Dr.R.Suresh Kumar, S/o.Jogeshwar Rao C/o.Dr.Suresh Super Specialty and Critical Care Centre Dornakal Road, Vijayawada, Krishna District Andhra Pradesh.

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through her Advocate Sri S.Nageswara Reddy presented this 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 call for the records in C.C.No.508/2023 on the file of the court of the I Additional Metropolitan Magistrate, Vijayawada, Krishna District, Andhra Pradesh and quash the charge sheet as the same is illegal and abuse of process of law.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri S.Nageswara Reddy Advocate for the Petitioner, Assistant Public Prosecutor for 1st Respondent directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Dr.R.Suresh Kumar, S/o.Jogeshwar Rao C/o.Dr.Suresh Super Specialty and Critical Care Centre Dornakal Road, Vijayawada, Krishna District Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith(copy enclosed) this CRIMINAL PETITION should not be admitted within six weeks.

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay of all further proceedings including appearance of the petitioner/ Accused in C.C.No.508/2023 on the file of the court of the I Additional Metropolitan Magistrate, Vijayawada, Krishna District, Andhra Pradesh, pending disposal of CRLP No. 5209 of 2023, on the file of the High Court.

The Court made the following order :

"Learned Assistant Public Prosecutor takes notice on behalf of 1st Respondent and seeks time to get instructions.

Issue notice to 2nd respondent.

Learned counsel for the petitioner is permitted to take out personal notice to 2nd Respondent by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

There is an agreement between the petitioner and the defacto complainant for installation of Oxygen Plant in the unit belongs to the defacto complainant. The whole accusation is that the accused is alleged to have erected a shed and installed a low quality oxygen Plant in that shed. It is further alleged that the accused did not provide full shaped quality material to the Oxygen Plant according to her earlier version in the quotation and left the oxygen Plant unfinished. Even accepting the said accusation to be true, it would amount to deficiency in service and there is any amount of ambiguity whether the same would come within the purview of Section 420 IPC or not.

In view of the above facts and circumstances, there shall be stay of all further proceedings including appearance of petitioner in C.C.No.508 of 2023 on the file of the learned I Additional Metropolitan Magistrate, Vijayawada, for a period of eight (8) weeks.

Post after six (6) weeks."

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Metropolitan Magistrate, Vijayawada, Krishna District, Andhra Pradesh
2. The S.H.O, Suryaraopet PS, Vijayawada City
3. Dr.R.Suresh Kumar, S/o.Jogeshwar Rao C/o.Dr.Suresh Super Specialty and Critical Care Centre Dornakal Road, Vijayawada, Krishna District Andhra Pradesh. (by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to Sri S.Nageswara Reddy Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

RVK

HIGH COURT

SRKJ

DATED:25/07/2023

POST AFTER SIX (6) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.5209 of 2023

STAY

