

[ 3327 ]

**(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: 5256 OF 2023**

**Between:**

Surender Singh, S/o. Vikram Singh, Aged about 73 years, Occ.Business, R/o. 35/1, 3rd Street, Balaji Nagar, Virugambakkam Chennai, Tamil Nadu State - 600092.

**Petitioner/Accused A2**

**AND**

1. State By Inspector Of Police, Puttaparthi Urban Police Station, Puttaparthi, Sri Satya Sai District. Rep. by Public Prosecutor High Court of Andhra Pradesh at Amaravathi.

**Respondent**

2. M.Kesavan, S/o. R.Murthy, Aged about 37 years, Occ. Business, R/o. D.No.3/808, Saithe Shiva Avatar-Residency, K.N.Pally Road, Puttaparthi, Puttaparthi Town, Satya Sai District.

**Respondent/Complainant**

WHEREAS the Petitioner/Accused above named through his Advocate Ms. O M R Law Firm 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 quash the proceedings in CC.No.337/2022 on the file of the Judicial Magistrate of First Class, Puttaparthi in so far as petitioner i.e., A2 is concerned.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Ms. O M R Law Firm Advocate for the Petitioner, Special Assistant Public Prosecutor for the Respondent No.1, 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:

M.Kesavan, S/o. R.Murthy, Aged about 37 years, Occ. Business, R/o. D.No.3/808, Saithe Shiva Avatar Residency, K.N.Pally Road, Puttaparthi, Puttaparthi Town, Satya Sai District.

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 all further proceedings including appearance of the petitioner/A2 in

CC.No.337/2022 on the file of the Judicial Magistrate of First Class, Puttaparthi, pending disposal of CRLP No. 5256 of 2023, on the file of the High Court.

The Court made the following order :

“Learned Special Assistant Public Prosecutor takes notice on behalf of 1<sup>st</sup> Respondent and seeks time to get instructions.

Issue notice to respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to Respondent No.2 by Registered Post with Acknowledgment Due and file proof of service within a period of three (3) weeks.

A charge sheet has been filed as against the petitioner herein and others for the offences punishable under Sections 452, 427, 379, 384, 323 and 506 r/w 34 IPC.

Learned counsel for the petitioner submits that the petitioner herein has filed O.S.No.11 of 2009 on the file of the learned II Additional District Judge, Hindupur, for recovery of amount of Rs.1,00,00,00/- based on the agreement dated 03.11.2008, against 2<sup>nd</sup> respondent herein. Accordingly, the said suit was decreed in favour of the petitioner herein. Thereafter, the 2<sup>nd</sup> respondent herein filed O.S.No.28 of 2009 on the file of the learned II Additional District Court, Hindupur, in which, he filed I.A.No.420 of 2018 and the said suit was dismissed. Once again, another suit in O.S.No.95 of 2014 has been filed on the file of the learned Senior Civil Judge, Penukonda by the 2<sup>nd</sup> respondent herein and the same was also dismissed. When all the suits are dismissed against the petitioner herein, the defacto complainant has resorted in filing the present compliant as against the petitioner herein.

In view of the aforesaid facts and circumstances, there shall be an interim stay of all further proceedings in respect of the petitioner herein, in C.C.No.337 of 2022 on the file of the learned Judicial Magistrate of First Class, Puttaparthi, for a period of eight (8) weeks.

Post after six (6) weeks.”

//TRUE COPY//

Fo

Sd/- S. SRINIVASA PRASAD  
ASSISTANT REGISTRAR

SECTION OFFICER

123

To,

1. The Judicial Magistrate of First Class, Puttaparthi
2. The II Additional District Judge, Hindupur
3. The Senior Civil Judge, Penukonda
4. The Station House officer, Puttaparthi Urban Police Station, Puttaparthi, Sri Satya Sai District.
5. M.Kesavan, S/o. R.Murthy, Aged about 37 years, Occ. Business, R/o. D.No.3/808, Saithe Shiva Avatar Residency, K.N.Pally Road, Puttaparthi, Puttaparthi Town, Satya Sai District. (by RPAD- along with a copy of petition and memorandum of grounds).
6. One CC to Ms. O M R Law Firm Advocate [OPUC]
7. Two CCs to Public Prosecutor, High Court of AP [OUT]
8. One spare copy

RVK

HIGH COURT

SRKJ

DATED:25/07/2023

POST AFTER SIX (6) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.5256 of 2023

INTERIM STAY

