

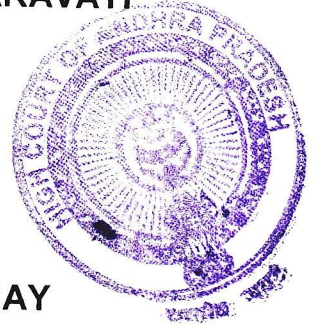
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE FIRST DAY OF AUGUST,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19740 OF 2025



Between:

Thelukotla Chiranjeevi, S/o. Koteswar Rao, aged about 29 years, AR Constable Presently posted at Ongole, Permanent Residence of Batlapally Village, Mundlamur Mandal, Prakasham District, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Prl. Secretary, Home Department, Secretariat, Velgapudi, Amaravati.
2. The Superintendent of Police, Ongole, Prakasam District.
3. The Inspector of Police, SC & ST cell/Enquiry Ongole, Prakasam District.
4. Gotham Krishnaveni, D/o. Gotham Venkata Ramana, aged about 28 years. Women Constable WPC 475 Giddalur P.S., Giddalur, Prakasham District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature WRIT OF MANDAMUS, declaring the action of 2nd respondent is serving article of charges vide Proceedings bearing No.C.No.14/OEPR/A8/2024 dated 28-03-2024 in connection with a matrimonial matter which is not connected to discharging of his official duties as AR Constable, particularly when the allegations in FIR. No. 612 of 2021 of P.S., Giddalur and allegations in Article of Charges is one and the same as

illegal, arbitrary and unconstitutional and consequently set aside the article of charges issued by the 2nd respondent in Proceedings bearing No. C.No.14/OEPR/A8/2024 dated 28-03-2024.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including enquiry pursuant to the issuance of Proceedings bearing No. C.No.14/OEPR/A8/2024 dated 28-03-2024 by the respondent, pending final adjudication of C.C. No. 167/2021; pending disposal of WP 19740 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N.Ravi Prasad, Advocate for the Petitioner and of GP FOR HOME for Respondent Nos. 1 to 3, the Court made the following

ORDER:

“The present Writ Petition is filed questioning the Charge Memo issued on 28.03.2024 to the Petitioner on the basis of a Charge Sheet filed in C.C.No.167 of 2021 before the Additional Judicial First Class Magistrate, Giddalur.

The wife of the Petitioner had given a private complaint under Section 200 Cr.P.C and the same was referred to the Police. Thereupon, a case in Cr.No.612 of 2021 for the offences punishable under Sections 323 and 498-A of IPC was registered against the Petitioner. On investigation by the Police, a Charge sheet was filed and the same was taken cognizance by the Court referred above.

On the basis of the involvement of the Petitioner in Cr.No.612 of 2021, a Charge Memo was issued to the Petitioner vide Proceedings No.C.No.14/OEPR/A8/2024, dated 28.03.2024 by the Respondent Authorities.

The list of documents and the witnesses in the Charge Memo specified in Annexure Nos. 2 and 3 are verbatim similar to the list of witnesses mentioned in the charge sheet. A reading of Charge Sheet and the Departmental Enquiry would show that there is absolutely no iota of difference between both the proceedings.

From the narration of the proceedings, the Departmental Enquiry Proceedings are being treated as a "dry run" for the criminal trial and the same would prejudice the defence of the Petitioner in the criminal case.

Therefore, in the interest of justice, Departmental Proceedings are required to be stayed.

Therefore, there shall be an interim stay of Departmental Proceedings for a period of eight weeks.

Post on 04.09.2025."

//TRUE COPY//

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Prl. Secretary, Home Department, State of Andhra Pradesh, Secretariat, Velgapudi, Amaravati.
2. The Superintendent of Police, Ongole, Prakasam District.
3. The Inspector of Police, SC & ST cell/Enquiry Ongole, Prakasam District.
4. Gotham Krishnaveni, D/o. Gotham Venkata Ramana, aged about 28 years. Women Constable WPC 475 Giddalur P.S., Giddalur, Prakasham District. (Addressee Nos. 1 to 4 by RPAD)
5. One CC to Sri N.Ravi Prasad, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
7. One spare copy

HIGH COURT

VN,J

DATE:01/08/2025

NOTE: POST ON 04.09.2025

ORDER

WP.No.19740 of 2025

INTERIM STAY

