

[3163]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

IA No. 2 OF 2021
IN
CRLP NO: 5922 OF 2021

Between:

1. Polukanti Bhaskara Charyulu,, S/o. P. Krishna Murthy, 71 years, D.No.10-6-127, Road No.5, Brundavan Colony, Lingoiguda, saroornagar, Ranga Reddy District, state of Telangana.
2. Polukanti Vasundara,, W/o. P. Bhaskara Charyulu, 64 years, D.No.10-6-127, Road No. 5, Brundavan Colony, Lingoiguda, Saroornagar, Ranga Reddy District, State of Telangana

...Petitioners/Accused 2 & 3

AND

1. The State of Andhra Pradesh,, Through Sub-Inspector of Police, Nunna P.S., vijayawada City, Rep. by its Public Prosecutor High Court Buildings, Neelapadu, at Amaravathi.
2. Harithapolukanti, 32y, w/o. Raghuvaran, r/o. Vinayaka Nagar colony, Near Punnam Towers, Narasaraopet Road, Vinukonda Town, Guntur Dt.

...Respondent/Defacto Complainant

Petition under Section 482 CrPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings against the Petitioners/Accused No. 2 and 3 in FIR No. 343 of 2021 of Vinukonda Town P.S., pending disposal of CRLP No. 5922 of 2021, 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 K. koutilya, Advocate for the Petitioners/Accused NO. 2 & 3 and of PUBLIC PROSECUTOR, High Court of Andhra Pradesh for the Respondent/State, the court while directing issue of notice to the Respondent No. 2 herein to show cause as to why this application should not be complied with, made the following:

ORDER:-

"The petitioners are A-2 and A-3 in Crime No.343 of 2021 of Vinukonda Town Police Station, Guntur District. A case under Section 498A IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961, was registered against them. The petitioners are parents of A-1, who is the husband of the de facto complainant. They sought quash of F.I.R primarily on the ground that the husband of the de facto complainant, who is A-1, has filed a petition for restitution of conjugal rights long back in the year 2019 in HMOP No.77 of 2019 on

the file of the learned Senior Civil Judge, Narasaraopet, as the de facto complainant left his company voluntarily without any reasonable cause and excuse and it shows that they are not living together as on date of filing the F.I.R on 14.09.2021 and even long prior to lodging of the said F.I.R. The petitioners have also produced the copy of the petition in HMOP No.77 of 2019, which prima facie shows that it was filed on 01.04.2019 on the ground that the de facto complainant left the company of her husband prior to filing of the said petition. Therefore, this throws any amount of doubt on the genuineness of the allegations set out in the F.I.R which was subsequently lodged in the year 2021. So, the petitioners could make out a strong prima facie case to examine in the main Criminal Petition whether launching of criminal prosecution against the petitioners in the given facts and circumstances of the case amounts to abuse of process of Court or not and whether the F.I.R registered against them is liable to be quashed or not.

Therefore, in the said facts and circumstances of the case, there shall be a direction to the Investigating Officer not to take any coercive steps including arrest against the petitioners, till the next date of hearing. However, the investigation shall go on to find out the truth or otherwise of the allegations."

//TRUE COPY//


Sd/-K.TataRao
ASSISTANT REGISTRAR

SECTION OFFICER

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To,

1. The Sub-Inspector of Police, Nunna P.S., Vijayawada City, (By RPAD)
2. Harithapolukanti, 32y, w/o. Raghuvaran, r/o. Vinayaka Nagar colony, Near Punnam Towers, Narasaraopet Road, Vinukonda Town, Guntur Dt.(By RPAD)
3. One CC to SRI. K KOUTILYA Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR (AP) Advocate [OPUC]
- 5. One spare copy**

MSR

HIGH COURT

CMRJ

DATED:29/10/2021

ORDER

CRLP.No.5922 of 2021

DIRECTION

