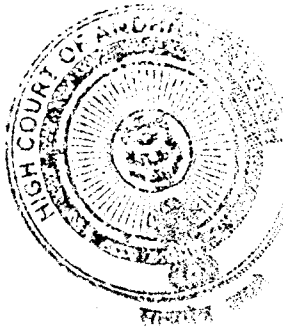


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH



IA No. 1 OF 2021

IN

CRLP NO: 6264 OF 2021

Between:

1. Nidumolu Surya Lakshmi Narayana, S/o. (late) Venkateswara rao, Age 60 years, Caste-Brahmana, Steamer Road, Narsapur-534 275, West Godavari District..
2. Palagoteti Lakshmi Narayana, S/o. Lakshmi Narasimha Murthy, age 57 years, Caste- Brahmana, Near Rythu Bazar, Narsapur-534 275, West Godavari District.
3. Mylabattula Vasantha Rao alias Vasantha Rao, S/o. Sundara rao, age 53 years, Caste S.C. Mala, Stationpeta, Narsapur-534 275, West Godavari District.
4. Kandala Siva Prasad, S/o. Satyanarayana Murthy, age 50 years, Caste- Brahmana, Panja center, 16th ward, Narsapur-534 275, West Godavari District.
5. Kopparthi Krishna Srinivas, S/o. Bhaskarnarayana, age 48 years, Caste- Brahmana, Narsapur-534 275, West Godavari District.
6. Nidumolu Jnanand, S/o. late Ramachandra rao, age 54 years, Caste-Brahmana, Steamer Road, Narsapur-534 275, West Godavari District.

...Petitioners/Accused No.1 to 6

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi through the Station House Officer, Narsapur Town Police Station, Narsapur-534 275, West Godavari District.

...Respondent/State

2. The Station House Officer, Narsapur Town Police Station, Narsapur-534 275, West Godavari District.

...Respondent/Defacto Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to stay of all further proceedings including arrest of the petitioners in Crime No. 268 of 2021 on the file of the S.H.O. Narsapur Town Police Station, Narsapur, West Godavari District, pending disposal of CRLP No.6264 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments Sri Polisetty Radha Krishna, Advocate for the Petitioner and Public Prosecutor for the Respondents, the Court made the following;

ORDER:

"This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.1 to A.6 herein in Cr.No.268/2021 of Narsapur Town Police Station, Narsapur, West Godavari.

On 10.10.2021 at about 5.00 PM the respondent police have conducted a search, prepared a mediators report and based on the search report, FIR is filed for the offences punishable under Sections 3 and 4 of A.P. Gaming Act, 1974 at 7.00 PM.

The legal contention is that the action of the respondent police is contrary to the law laid down by this Court in Lalita Kumari Vs. Government of Uttar Pradesh and Others [(2014) 2 SCC Page 1], wherein it is held in Para 119 of the judgment as follows:-

Para 119: Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR."

In the instant case, according to the mediators report on credible information received from third parties, the respondent police got search warrant from the Deputy Superintendent of Police on 10.10.2021 and along with mediators they have conducted search at 5.00 PM and basing on the said report registered a case as Cr.No.268/2021 at 7.00 PM., on 10.10.2021. Hence, said action of the respondent police is found to be false. In view of the law laid down by the Apex Court in the above judgment, there shall be interim stay of all further proceedings in Cr.No.268/2021 of Narsapur Town Police Station, Narasapur, West Godavari District."

Sd/- M. SRINIVAS
ASSISATNT REGISTRAR

//TRUE COPY//

At
SECTION OFFICER

To,

1. The Addl. Judicial First Class Magistrate Court, Narsapur, West Godavari District
2. The Station House Officer, Narasapur Town Police Station, Narasapur, West Godavari District.
3. One CC to Sri. Polisetty Radha Krishna, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy.

MSB

HIGH COURT

DR,J

DATED:24/11/2021

ORDER

POST AFTER TWO (02) WEEKS

IA NO.1 OF 2021
IN
CRLP.No.6264 of 2021

INTERIM STAY

