

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 6879 OF 2023

Between:

1. PACHWA SREENIVASA BABU, S/o Venkateswara Rao, Aged 50 years, Proprietor VVR Crushers and Constructions, R/o D.No. HIG 217, Sector IV, MVP Colony, Visakapatnam.
2. Pachwa Pameela,, W/o Venkateswara Rao, Aged 70 years, R/o D.No. HIG 217, Sector IV, MVP Colony, / Visakapatnam.
3. Pachwa Ratnalata,, D/9 Venkateswara Rao, Aged 48 years, R/o D.No. HIG 217, Sector IV, MVP Colony/ Visakapatnam.
4. T. Ravi, (T. Ravindra Babu), S/o Raghavalu, Aged 60 years, Clerk, VVR Crushers and Constructions, Sy.No.194, Venkupalem village, Anakapalle mandal, Visakapatnam Dt.
5. Y.V.Mallikarjuna Rao, , S/o Venkata Subbayya, Aged 50 years, R/o Main Road, Sarada Nagar, Kothuru village, Anakapalle mandal, Visakapatnam District.
6. Y. Sridevi,, W/o Y.V.Mallikarjuna Rao, Aged 48 years, R/o Main Road, Sarada Nagar, Kothuru village, Anakapalle mandal, Visakapatnam District.
7. Pachwa Vanaja,, W/o Srinivasa Babu, Aged 48 years, R/o D.No. HIG 217, Sector IV, MVP Colony, Visakapatnam.
8. Pachwa Venkateswara Rao,, S/o late Chinna Vengayya, Aged 75 years, Business, R/o D.No. HIG 217, Sector IV, MVP Colony, Visakapatnam.

Petitioner/Accused

AND

1. THE STATE OF ANDHRA PRADESH, rep by its Public Prosecutor through the Station House Officer, Anakapalle Rural Police Station.
2. Lekkala Naidu,, S/o Pedda Krishna, Aged 48 years, Cultivation, R/o D.No. 4-24, Venkupalem village, Anakapalle mandal, Visakapatnam District.

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through their Advocate Sri BALAJI MEDAMALLI 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 be pleased to quash the proceedings against the petitioners/ A1 to A8 in C.C.No.12 of 2023 on the file of the XI Metropolitan Magistrate, Anakapalle, and pass

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri BALAJI MEDAMALLI Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

1. THE STATE OF ANDHRA PRADESH, rep by its Public Prosecutor through the Station House Officer, Anakapalle Rural Police Station.
2. Lekkala Naidu,, S/o Pedda Krishna, Aged 48 years, Cultivation, R/o D.No. 4-24, Venkupalem village, Anakapalle mandal, Visakapatnam 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 affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted, within four weeks.

IA NO: 1 OF 2023

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 grant stay of all further proceedings in C.C.No.12 of 2023 on the file of the XI Metropolitan Magistrate, Anakapalle, including the appearance of the petitioners/AI to A8and pass, pending disposal of CRLP No. 6879 of 2023, on the file of the High Court.

The Court made the following: ORDER

Learned counsel for the petitioners is permitted to take out personal notice to the respondent No.2 by registered post with acknowledgment due and file proof of service in the Registry within a period of three (3) weeks. Issue notice to the respondent No.2

Learned counsel for the petitioners submits that basing on the police report a case in Crime No.151 of 2017 was registered for the offences punishable under Sections 147, 148, 447, 324, 506 r/w 149 IPC against the de facto complainant and others. The police after conducting investigation filed charge sheet and the same was taken on file as C.C.No.97 of 2018 by the learned V Metropolitan Magistrate, Anakapalle. He further submits that as a counter blast to the said case, the 2nd respondent herein filed a private complaint against the petitioners herein and that the Court referred the same under Section 156(3) Cr.P.C. to police. The police registered case in Crime No.86 of 2018 for the offences punishable under Sections 447, 323, 509, 506, 427 r/w 34 IPC against the accused/the petitioners herein. The police after conducting investigation submitted a final report against the petitioners herein on the ground of mistake of fact. Against the said final report, the de facto complainant filed Protest Petition. Pursuant to the same, the subject C.C.No.12 of 2023 came to be registered.

Department of Mines and Geology vide Proceedings No.3441/Q/2010, dated 05.1.2017, granted permission in favour of the petitioners herein to carry out quarry operations for Road Metal in survey No.303.

In view of the aforesaid facts and circumstances of the case, there shall be interim stay of all further proceedings, in respect of the petitioners, in C.C.No.12 of 2023 on the file of the XI Additional Metropolitan Magistrate at Anakapalle, for a period of eight (8) weeks.

Post the matter after six (6) weeks.

Sd/- K. TATA RAO
DYPUTY REGISTRAR

//TRUE COPY//

Section Officer

To,

1. The XI Additional Metropolitan Magistrate, Anakapalli.
2. THE STATE OF ANDHRA PRADESH, rep by its Public Prosecutor through the Station House Officer, Anakapalle Rural Police Station. (by RPAD- along with a copy of petition and memorandum of grounds)
3. Lekkala Naidu,, S/o Pedda Krishna, Aged 48 years, Cultivation, R/o D.No. 4-24, Venkupalem village, Anakapalle mandal, Visakapatnam District. (by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. BALAJI MEDAMALLI Advocate [OPUC]
5. Two CC to SRI. PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. The Sub Inspector of Police, Anakapalle, (Rural) P.S., Anakapalli.
7. One spare copy

KRK

HIGH COURT

SRK,J

DATED:11/09/2023

NOTE: POST ON AFTER SIX WEEKS

NOTICE BEFORE ADMISSION

CRLP No. 6879 of 2023

Interim Stay

