

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE SEVENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 7000 OF 2021



Between:

Smt. Mylam Kalpana, W/o. sobhan babu, 42 years, occ. Jr. steno. R/o.H.No. 19-12-151, Baiuragipatteda, Tirupati, A.P.

...Petitioners/Accused

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High court of andhra pradesh, at amaravathi
2. Kalla Janardhana Naidu, S/o. K.doraswamy naidu, aged 53 yrs, occ. DSP, ACB, Tirupathi R/o.D.No. 8-98/4, 4th Cross Royal Nagar, Tirupathi, Chittoor District, A.P.

...Respondents/Defacto Complainant

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 quash all further proceedings in C.C.No. 459/2021 on the file of the III Addl. Judicial Magistrate of First Class, Tirupati in the interest of justice.

IA NO: 2 OF 2021

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 grant stay of all further proceedings in C.C.No. 459/2021 on the file of III Addl. Judicial Magistrate of first class, tirupati, Pending disposal of CRLP 7000 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed in support thereof and upon hearing the arguments of learned senior Counsel representing Sri Kanda Srinivasu Advocate for the Petitioner, Public Prosecutor for the Respondent No.1, the Court made the following

ORDER:

"The learned senior counsel appearing for the petitioner submits that the petitioner arraigned as accused in CC.No.459 of 2021 on the file of III Additional Judicial Magistrate of First Class, Tirupati for the alleged offence punishable under Section 409, 477-A, 420 of IPC.

It is alleged that while the petitioner working as a junior Steno in the office of Anti Corruption Bureau, the 2nd respondent has filed a complaint alleging that the petitioner has withdrawn an amount of Rs.7,14,600/- as against Rs.49,600/- and misappropriated an amount of Rs.6,65,000/-, and the police have registered a case and filed charge sheet.

The learned senior counsel submits that the learned Magistrate ought not to have taken cognizance of the offence as sanctioned under Section 197 Cr.P.C., was not obtained by the 2nd respondent for registering the case against the petitioner and the learned counsel for the petitioner places reliance on Rakesh Kumar Mishra Vs. State of Bihar and others¹, Amal Kumar Jha Vs. State of Chhattisgarh and another², Kopisetty Nagaraju Vs. The State of Andhra Pradesh and others³, G.C.Manjunath and others Vs. Seetaram⁴.

The learned senior counsel appearing for the petitioner submits that the allegations against the petitioner would have to be considered

¹ AIR 2006 SC 820

² AIR 2016 SC 2082

³ CRLP.No.7510 of 2019, dt.18.02.2025 of AP High Court

⁴ CRLP.No.1759 of 2025 (Arising out of Special Leave Petition (Criminal) No.6053 of 2021) of Hon'ble Supreme Court.

as the alleged offence committed by the petitioner while acting or purporting to act in discharging of official duty.

In such circumstances, the learned Magistrate ought not to have taken cognizance and submits that the case has to be quashed against the petitioner. It is submitted by the learned senior counsel that the petitioner is still working in the office of Anti Corruption Bureau department.

The learned Assistant Public Prosecutor appearing for the 2nd respondent requested time for verifying the judgments filed by the learned senior counsel and to assist this Court on whether such acts committed by the petitioner or not.

In the meanwhile, there shall be stay of all further proceedings in CC.No.459 of 2021 on the file of III Additional Judicial Magistrate of First Class, Tirupati.

Post the matter on 21.04.2025.”

//TRUE COPY//

For AS

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The III Additional Judicial Magistrate of First Class, Tirupati.
2. Kalla Janardhana Naidu, S/o. K.doraswamy naidu, aged 53 yrs, occ. DSP, ACB, Tirupathi R/o.D.No. 8-98/4, 4th Cross Royal Nagar, Tirupathi, Chittoor District, A.P. (by RPAD)
3. One CC to Sri Kanda Srinivasu, Advocate [OPUC]
4. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT].
5. One spare copy

Cvss

HIGH COURT

HN,J

DATED:07/04/2025

POST THE MATTER ON 21.04.2025.

ORDER

CRLP.No.7000 of 2021

DIRECTION

