

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 9740 OF 2023

Between:

Asish Mohapatra S/o Puma Chandra Mohapatra

Petitioner/Accused

AND

1. The State of Telangana, Rep.by. Public Prosecutor, High Court of Hyderabad, High Court Buildings, Hyderabad.

Respondent

2. K. Durga Prasad, O/o 8-2-293/82/A/75, Plot.No.75, Road No. 9, Jubilee Hills, Shaikpet, Hyderabad.

Respondent No.2/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate Sri A Chandra Shaker presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioner / Accused in Crime No.523 of 2023, registered on 23/08/2023 before the file of the Jubilee Hills Police Station, Hyderabad District;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein, and upon hearing the arguments of Sri A Chandra Shaker Advocate for the Petitioner, Assistant Public Prosecutor for Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz;

K. Durga Prasad, O/o 8-2-293/82/A/75, Plot.No.75, Road No. 9, Jubilee Hills, Shaikpet, Hyderabad.

are directed to show cause on or before 06.11.2023 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including arrest of the Petitioner/Accused in Crime No. 523 of 2023, registered on 23/08/2023 before the file of the Jubilee Hills Police Station, Hyderabad District, pending disposal of CRLP No. 9740 of 2023, on the file of the High Court.

The Court made the following:

ORDER

Issue notice to respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by RPAD and file proof of service in the Registry.

Learned counsel for the petitioner contends that the facts of the present case do not attract the ingredients of the offences under Sections 420, 406 and 477A of IPC. Therefore, the complaint itself is not maintainable. It is further contended that the grievance of respondent No.2 appears to be civil in nature and therefore, he can avail the remedy under Section 9 of Arbitration and Conciliation Act before the Civil Court. It is also contended that on 04.10.2023, though notice under Section 41A Cr.P.C. was issued to the petitioner, the police are pressuring the petitioner to enter into compromise with respondent No.2. It is further contended that the petitioner is residing at Delhi and his presence shall be dispensed with before the police.

On the other hand, learned Assistant Public Prosecutor would submit that notice under Section 41A of Cr.P.C. was already issued to the petitioner and seeks time to get instructions.

In view of the aforesaid submissions, the police are directed not to pressurize the petitioner in any manner for compromising the matter.

The appearance of the petitioner before the police shall be dispensed with till the next date of hearing.

List on 06.11.2023.

//TRUE COPY//

**SD/- G.SIREESHA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The XVII Addl Chief Metropolitan Magistrate, Nampally, Hyderabad
2. The Station House Officer, Jubilee Hills Police Station, Hyderabad District
3. K. Durga Prasad, O/o 8-2-293/82/A/75, Plot.No.75, Road No. 9, Jubilee Hills, Shaikpet, Hyderabad. (by RPAD- along with a copy of petition and memorandum of grounds)
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to Sri A Chandra Shaker Advocate [OPUC]
6. One spare copy

HIGH COURT

GAC,J

DATED:05/10/2023

List on 06.11.2023

NOTICE BEFORE ADMISSION

CRLP.No.9740 of 2023

DIRECTION

