

[3299]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

**:PRESENT:
THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

**IA No. 1 OF 2024
IN
CRLP NO: 13828 OF 2024**

Between:

Reddigari Niranjan Reddy, S/o. Gopal Reddy.

...Petitioner/Accused No.2
(Petitioner in CRLP 13828 OF 2024
on the file of High Court)

AND

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

Respondent

2. R. Ram Reddy, S/o. Narayan Reddy, Occ: Retired Govt. Employee, R/o. Maddur Village, Narayanpet District, Telangana - 509 411.

...Respondent/Complainant
(Respondents in-do-)

Counsel for the Petitioner : M/s. BOMMINENI VIVEKANANDA

Counsel for the Respondent No.1 : PUBLIC PROSECUTOR

Petition Under Section 528 of BNSS, praying that in the circumstances stated in the grounds filed in support of the Criminal petition, the High Court may be pleased to grant stay of all further proceedings in FIR.No.195/2023 on the file Police Station, Maddur, Narayanpet, including the appearance of the Accused and framing of the charges till the disposal of the above Quash Petition in the interest of the justice, Pending disposal of CRLP No.13828 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondent herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Learned counsel for the petitioner/A2 submits that the allegations made in the complaint fails to disclose a prima-facie case against the petitioner and the private

complaint is not accompanied with an affidavit as mandated by the Hon'ble Supreme Court in the case of *Priyanka Srivastava vs State of Uttar Pradesh*¹. Therefore, the cognizance taken by the learned Judicial Magistrate is bad in the eye of law and is liable to set-aside. Hence, prayed to allow the petition.

Prima-facie it appears that the material papers filed under Section 200 Cr.P.C does not contain any affidavit in the list of documents.

This matter requires detailed examination.

Considering the submissions of the learned counsel for the petitioner/A2, this Court deems it appropriate to stay all further proceedings in F.I.R.No.195 of 2023 on the file of Maddur Police Station, Narayanpet, till 12.12.2024.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Narayanpet.
2. The Station House Officer, Maddur Police Station, Narayanpet District.
3. R. Ram Reddy, S/o. Narayan Reddy, Occ: Retired Govt. Employee, R/o. Maddur Village, Narayanpet District, Telangana - 509 411 (**By RPAD**)
4. One CC to M/s. BOMMINENI VIVEKANANDA, Advocate [OPUC]
5. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. One spare copy

¹ (2015) 6 SCC 287

HIGH COURT

EVV, J

DATED:14/11/2024

LIST ON 12.12.2024

ORDER

IA.No.1 of 2024

IN

CRLP.No.13828 of 2024

STAY

