

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.2118 of 2015

ORDER:

The grievance of petitioners/A2 to A4 is that as per the order dated 22.11.2010 the High Court in Crl.P.M.P.No.1378 of 2010 in Crl.P.No.1445 of 2010 granted interim stay of all further proceedings including appearance of the petitioners in C.C.No.284 of 2009 but the learned Magistrate issued NBWs. on 03.09.2010 in spite of the said order is in force and therefore, NBWs. may be recalled in the interest of justice. Perused the order in Crl.P.M.P.No.1378 of 2010. It reads thus:

“Learned counsel for the petitioners reports that two OPs. one filed by the wife and another by the husband, for different reliefs like judicial separation and nullity of marriage and this is a false complaint. The learned counsel further submits that on the basis of such a false complaint the present case is registered. In the circumstances there shall be interim stay as prayed for.”

It appears that by oversight trial Court in spite of the said order issued NBWs. against the petitioners/A2 to A4 and also against A1 with whom we are not concerned now. In view of the stay order is in operation, NBWs. issued against the petitioners/A2 to A4 are liable to be recalled.

In the result, this Criminal Petition is allowed and NBWs. issued against the petitioners/A2 to A4 on 03.09.2010 by the trial Court are hereby recalled.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 11.03.2015

Note: Issue CC by tomorrow.

(b/o)

Murthy