

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7451 of 2017

ORDER:

Heard learned counsel for the petitioners/accused in continuation of the earlier hearing while passing the interim order on 22.08.2017 of stay of investigation for six weeks therefrom and from the proof of service to the 2nd respondent including from the acknowledgment received, there is no representation and taken as heard.

In view of the interim order mainly granted for non-compliance with the mandatory requirement as per the Apex Court guidelines in **Priyanka Srivastav Vs. State of U.P.**¹ and **Ramdev Food Products Private Limited Vs. State of Gujarat**² of the filing of the affidavit with the private complaint as mandatory for the learned Magistrate before referring any such complaint to the police for investigation besides giving of reasons reflecting application of mind. The order of the learned Magistrate referring the private complaint to the police and the consequential registration of the crime for said non-compliance or set aside by restoring the said complaint to the status quo anti before the learned Magistrate to proceed further only on own merits by strictly following the guidelines of the above expressions.

Having regard to the above, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.10.2017
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¹ 2015 (6) SCC 287

² (2015) 6 SCC 439