

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 TUESDAY, THE TWENTY SEVENTH DAY OF APRIL
 TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE K.LAKSHMAN
CRIMINAL PETITION NO: 3420 OF 2021

Between:

1. Lakkineni Surender Rao S/o.Late Venkateswara Rao,
2. Lakavath Giri Babu, S/o.Dasaru.

Petitioners/Accused No.1 & 4

AND

1. The State of Telangana, Rep. by Public Prosecutor High Court Buildings, High Court of Telangana at Hyderabad.
2. Goggela Laxmaiah, S/o.Bakkaiah, Occ. Running Kirana Shop, R/o.Tunikibanda Village, Allapalli Mandal of Badridri Kothagudem District.

Respondent/Respondent

Respondent/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate Sri K Sai Babu 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 call for the records in Crime No.132 of 2019 dated 23/10/2019 on the file of P.S. Tekulapally, Bhadradi-Kothagudem District for an offences U/sec.342, 365, 384, 506 r/w. 120(B) IPC., and Sec. 3(1)(r)(s) of SC, ST POL Act and quash the same as abuse of process of law in so far as the petitioners are concerned;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri K Sai Babu Advocate for the Petitioners and 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;

Goggela Laxmaiah, S/o.Bakkaiah, Occ. Running Kirana Shop, R/o.Tunikibanda Village, allapalli Mandal of Badridri Kothagudem District.

are directed to show cause on or before 15.06.2021 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 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to grant stay of all further proceedings including arrest of the petitioners in Crime No.132 of 2019 dated 23/10/2019 on the file of P.S. Tekulapally, Bhadradi-Kothagudem District for an offences U/sec.342, 365, 384, 506 r/w. 120(B) IPC, and Sec.3(1)(r)(s) of SC, ST POL Act, pending disposal of CRLP No. 3420 of 2021, on the file of the High Court.

The Court made the following:

ORDER

Issue notice to respondent No.2 - de facto complainant.

Personal notice is permitted to serve and directed to furnish proof of service by the next date of hearing.

A perusal of the material would reveal that on the complaint lodged by respondent No.2, the police have registered a case in Crime No.132 of 2019 on 23.10.2019 for the offences punishable under Sections 342, 365, 384 and 506 read with Section 120(B) of the Indian Penal Code, 1860. After one and half year, the investigating officer has filed alteration memo adding Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Referring to the affidavit filed by respondent No.2 in the bail application filed by accused Nos.2 and 3 in Crime No.132 of 2019, the learned counsel for the petitioners would submit that respondent No.2 (*de facto* complainant) has stated that he has no objection to grant bail to accused Nos.2 and 3 in the said crime and that he does not know facts of the case. It is also stated by respondent No.2 that the police have obtained his signatures on some white papers and he is not interested in the case. By referring to the same, the learned counsel for the petitioners would submit that the police have implicated the petitioners herein in the crime. According to him, the contents of the complaint lack ingredients of the offences alleged against the petitioners.

In view of the above, the matter requires examination.

Therefore, the investigating officer in Crime No.132 of 2019 of Tekulapally Police Station, Bhadradri-Kothagudem District, is directed not to arrest the petitioners herein - accused Nos.1 and 4. However, it is made clear that investigation may go on and the petitioners shall cooperate with the Investigating Officer by furnishing the information and the documents, if any, as sought by the investigating officer in concluding the investigation.

List on 15.06.2021.

SD/- K.SHYLESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Yellandu
2. The Station House Officer, Tekulapally Police Station, Bhadradri-Kothagudem District
3. Goggela Laxmaiah, S/o.Bakkaiah, Occ. Running Kirana Shop, R/o.Tunikibanda Village, allapalli Mandal of Badridri Kothagudem District. (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 K Sai Babu Advocate [OPUC]
6. One spare copy

HIGH COURT

KLJ

DATED:27/04/2021

LIST ON 15.06.2021

NOTICE BEFORE ADMISSION

CRLP.No.3420 of 2021

DIRECTION

