

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE SEVENTEENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRLP No. 3088 OF 2022

**Between:**

Gajjala Venkata Subba Reddy, S/o Subba Reddy, Aged about 40 years,  
R/o Nagambotlavaripalem Village, Thallur Mandal, Prakasam District

...PETITIONER/ACCUSED NO.2

AND

The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court  
of Andhra Pradesh, At Amaravathi.

...RESPONDENT

Petition under Section 482 of Cr.P.C is filed praying that in the  
circumstances stated in the Memorandum of Grounds of Criminal Petition,  
the High Court may be pleased to quash the proceedings in  
C.C.No.525/2021 on the file of the Judicial Magistrate of First Class Court,  
Darsi, Prakasam District in the interest of justice.

I.A. NO: 2 OF 2022

Petition under Section 482 of Cr.P.C is filed praying that in the  
circumstances stated in the Memorandum of Grounds of Criminal Petition,  
the High Court may be pleased to grant stay of all further proceedings  
including appearance of the Petitioner in C.C.No.525/2021 on the file of the  
Judicial Magistrate of First Class Court, Darsi, Prakasam District pending  
disposal of the above Crl.P. in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P Nagendra Reddy, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

**The Court made the following ORDER :**

APHC010190152022



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3396]**

TUESDAY ,THE SEVENTEENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**CRIMINAL PETITION NO: 3088/2022**

**Between:**

Gajjala Venkata Subba Reddy

**...PETITIONER/ACCUSED**

**AND**

The State Of Andhra Pradesh

**...RESPONDENT/COMPLAINANT**

**Counsel for the Petitioner/accused:**

1.P NAGENDRA REDDY

**Counsel for the Respondent/complainant:**

1.PUBLIC PROSECUTOR (AP)

**The Court made the following ORDER:**

The instant Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the Petitioner/Accused No. 2 seeking quashment of the proceedings in C.C.No.525 of 2021 on the file of the Judicial Magistrate of First Class, Darsi, Prakasam District for the offence under Section 420 of IPC and Section 7 of E.C Act.

2. Heard Sri Veladi Sai Sri Harsha, learned counsel representing Sri P.Nagendra Reddy, learned counsel for the petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on the behalf of the State.
3. Learned counsel for the petitioner would submit that the petitioner herein is Accused No.2. It is stated that neither in the Police proceedings nor in the charge sheet, nothing is attributed against the petitioner to attract the offence of cheating and Section 7 of E.C.Act. Learned counsel would further submit that continuing criminal proceedings against the petitioner/Accused No.2 is sheer abuse of process of law.
4. Learned Assistant Public Prosecutor fairly conceded that nothing is attributed against the petitioner except stating that the lorry in which the Accused No.1 was transporting PDS rice, the petitioner is the owner of that lorry. Learned Assistant Public Prosecutor would submit that the court may pass appropriate orders.
5. Considering the submissions made and a fair look at the Police proceedings basing on which the crime was lodged and also the charge sheet filed by the Police would show nothing is present against the petitioner except stating that the petitioner is the owner of the lorry. Even in the alleged confession of accused No.1, no specific statements are made against the petitioner to maintain criminal case against him. In that view, continuing criminal proceedings against the petitioner is mere abuse of process of law.

6. In the result, the petition is allowed. Proceedings C.C.No.525 of 2021 on the file of the Judicial Magistrate of First Class, Darsi, Prakasam District for the offence under Section 420 of IPC and Section 7 of E.C Act, against the petitioner/Accused No.2 are hereby quashed.

Consequently, miscellaneous petitions, pending if any, shall stand closed.

**SD/- B.CHITTI JOSEPH**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

  
**SECTION OFFICER**

**To,**

1. The Judicial Magistrate of First Class Court, Dasari Prakasam District.
2. The Station House Officer, Mundlamuru Police Station, Prakasam District.
3. One CC to Sri P Nagendra Reddy Advocate [OPUC]
4. Two CCs to the Public Prosecutor (AP), High Court of Andhra Pradesh, Amaravati (OUT).
5. THREE CD COPIES

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**HIGH COURT**

**DATED:17/12/2024**

**ORDER**

**CRLP.No.3088 of 2022**



**ALLOWING THE CRLP**