

HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.1705 of 2011

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the order dated 27.12.2010 in M.C.No.60 of 2010 on the file of Mandal Executive Magistrate, Rappthadu, Anantapur District.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner herein is shown as respondent No.2 and respondent No.2 herein is shown as respondent No.1 in the said M.C.

By the impugned order, the learned Mandal Executive Magistrate, Rappthadu, Anantapur District, directed both the parties not to enter the disputed land admeasuring Acs.4.00 in Survey No.140-9P of Rappthadu Viillage.

The petitioner herein, who is respondent No.2 before the Mandal Executive Magistrate, Rappthadu, filed O.S.No.669 of 2010 against respondent No.2 herein. In the said suit, she has also filed I.A.No.1261 of 2010 seeking to grant interim injunction in her favour. By order, dated 28.12.2010, the learned Junior Civil Judge, Anantapur District, granted injunction in favour of the petitioner herein in respect of the self-same property.

Learned counsel appearing for the petitioner submits that since the Junior Civil Judge, Anantapur District, has already seized of the matter, the order dated 27.12.2010 in M.C.No.60 of 2010 on the file of Mandal Executive Magistrate, Rappthadu, Anantapur District, is not maintainable.

In view of continuation of proceedings before the Junior Civil Judge, Anantapur District, and there being a civil Court order in I.A.No.1261 of 2010 in O.S.No.669 of 2010, the order dated 27.12.2010 in M.C.No.60 of 2010 is liable to be set aside.

Accordingly, the Criminal Petition is allowed and the order dated 27.12.2010 in M.C.No.60 of 2010 on the file of Mandal Executive Magistrate, Rapthadu Village, Anantapur District is set aside.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL, J

03.07.2015

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