

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-26548 of 2015****Date of Decision: August 12, 2015**

Subhash and others

...Petitioners

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.S.S.Sahu, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 10.07.2015 passed by learned Sub Divisional Magistrate, Fatehabad, vide which the application under Section 133 Cr.P.C. filed by respondent No.3 has been allowed directing to remove the gate of the petitioners installed on main entrance of their house, being illegal, null and void and passed in violation of judgment and decree dated 31.05.2013 passed in favour of the petitioners and further praying for quashing of impugned order dated 29.07.2015 passed by learned Addl. Sessions Judge, Fatehabad, vide which the application filed by the petitioner to stay the impugned order dated 10.07.2015 till the revision petition is pending, is dismissed without taking into consideration the factual background of the case.

I have heard learned counsel for the petitioners and have gone through the record.

Admittedly, the revision petition is pending against the order passed by learned Sub Divisional Magistrate, Fatehabad on the application under Section 133 Cr.P.C. There is no question of filing of quashing petition in this Court when the revision petition is pending. The appropriate remedy for setting aside the order under Section 133 Cr.P.C., is to file the revision petition. Therefore, no relief can be granted at this stage under Section 482 Cr.P.C., when the revision petition is already pending before learned Sessions Court.

As regarding the fact that ex parte stay has not been granted by the learned Addl. Sessions Judge, Fatehabad and case is now fixed for hearing on 09.09.2015, therefore, without commenting upon the merits of the case, the present petition is disposed of with the direction that the stay application, if any, be disposed of expeditiously, preferably within two months from today. Till then, the parties are directed to maintain status quo.

With the above-said direction, the present petition stands disposed of.

August 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE