

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7242 of 2017

ORDER:

Heard learned counsel for petitioners and learned public prosecutor representing respondent Nos.1 and 2 before ordering notice to respondent Nos.3 to 5, and perused the impugned order passed under Section 145 Cr.P.C in Rc.No.B.521/2017 dated 10.07.2017.

2) Undisputedly, there is a civil suit in O.S. No.15 of 2016 on the file of Junior Civil Judge, Adoni for permanent injunction and the schedule property therein covers an extent of Ac.6.97 cents in Sy. No.8 situated at Vandagallu Village, Kosigi Mandal, Kurnool District and the same is pending. While so, the 2nd respondent—Executive Magistrate & Tahsildar, Kosagi passed an order on 10.07.2017 under Section 145 Cr.P.C, which refers to the self same property.

3) Having regard to the above, when the matter is seized of by the Civil Court, proceedings under Section 145 Cr.P.C are not sustainable that too, during pendency of suit. Hence the impugned proceedings are quashed and it is left open to the parties to pursue the civil dispute and the police and revenue authorities to relegate them to the Civil Court in pending matter.

4) Accordingly, the Criminal Petition is disposed of.

5) Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.08.2017

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