

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7445 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Public Prosecutor representing respondents 1 and 2 before ordering notice to respondent No.3, another party to Section 145 Cr.P.C. proceedings initiated by respondent No.2-the Mandal Executive Magistrate, Aspari Mandal, Kurnool District and perused the impugned order dated 15.10.2016.

Undisputedly, civil suit in O.S.No.6 of 2012 is pending and there was originally ad-interim injunction ex parte order and the injunction is vacated by dismissal of I.A.No.41 of 2012 and C.M.A.No.23 of 2012 filed was allowed on 30.11.2012, against which the defendant maintained C.R.P.No.643 of 2013, where, as per C.R.P.M.P.No.861 of 2013 dated 26.09.2013, there was interim suspension of the C.M.A. order.

Having regard to the above, when the matter is seized by civil Court proceedings under Section 151 C.P.C. sustainable, thereby, said proceedings of M.C.No.35 of 2016 dated 15.10.2016 passed by respondent No.2-the Mandal Executive Magistrate, Aspari Mandal, Kurnool District, are quashed.

Accordingly, the Criminal Petition is allowed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.09.2017
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