

the parties, the application is taken up for final hearing.

2. The proceeding is filed under section 482 of the Criminal Procedure Code for the relief of quashing SCC No. 582/2016 pending in the Court of J.M.F.C., Parali Vajinath, Dist Beed arising out of Crime No.84/2015 for the offence punishable under Section 447 and also under section 188 of the Indian Penal Code.

3. The report is given by the Circle officer. He has contended that even when there was order of Civil Court to maintain status quo, present applicant has made construction of compound wall in the property and thereby he committed the offence.

4. Seen the reply affidavit filed by the respondent. It was sworn that due to some misconception, the FIR was accepted and the crime was registered. This court has gone through copy of the plaint of Spl. Civil Suit No.08/2006 in which the present applicant is defendant No.1, There is a copy of say filed in the said suit also. Those documents show that the plaintiffs have filed the suit for relief of declaration of ownership and also for possession against present applicant and others. In the status quo order, it is made clear that the parties were not expected to create third party interest and that was the main intention of

the order of status quo. In ordinary course, if there was breach of order of status quo, the plaintiffs could have approached the Civil Court under Civil procedure Code for taking action for breach of the injunction order. The Circle officer was not expected to give report in such a matter.

5. In the result, the application, allowed in terms of prayer clause (C). Rule made absolute in those terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC