

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11323 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners, seeking to quash the proceedings in M.C.No.165 of 2018 including the order dated 12.10.2018 on the file of the 2<sup>nd</sup> respondent/ the Executive Magistrate/ Tahsildar, Rajamahendravaram, East Godavari District, initiated under Section 145 Cr.P.C.

2. It is based on the so called dispute in relation to the immovable property. Leave about the earlier litigation, a writ petition in the year 2017 maintained by the Scheduled Caste Educated Un-employees Filed Labour Society, represented by its President, Nalli Suba Rao of Rajahmundry, who is no other than said writ petitioner-cum-3<sup>rd</sup> respondent to the present petition as one of the parties to Section 145 Cr.P.C. proceedings.

3. Once the writ Court seized of the matter, in the pending writ petition filed, the Executive Magistrate has no jurisdiction to initiate proceedings, suffice to say, the proceedings under Section 145 Cr.P.C. in M.C.No.165 of 2018, no way survive as writ Court from the writ filed already seized of the matter as per the settled law.

4. Accordingly, the Criminal Petition is disposed of.

5. Miscellaneous petitions pending if any, shall stand closed.

Date: 27.11.2018  
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Dr. B. SIVA SANKARA RAO, J