

Tandale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1412 OF 2019

Mahnmad Hanif Tamboli & Ors.	 Petitioners.
Vs.	
Vinod Tukaram Adasarkar & Ors.	 Respondents.

Mr. Rahul Kate for the Petitioners.
 Ms. V. L. Maindad for Respondent No.1.
 Mr. A. R. Patil, APP for the Respondent Nos.5 to 7-State.

**CORAM : A. S. GADKARI, J.
 DATE : 17th FEBRUARY, 2021.**

PC:-

By the impugned Order dated 17th January 2019, the respondent No.5 has directed the petitioners not to disturb peaceful possession of the respondent Nos.1 to 4 pertaining to the suit property more specifically described in the schedule of the impugned Order.

2. The impugned Order proceeds on the premise that, the respondent Nos.1 to 4 are in possession of the suit property. In para No.5 of the impugned Order, the respondent No.5 has directed the parties herein to get their dispute adjudicated from the competent Court of having jurisdiction as it came to the conclusion that, the dispute inter-se is of civil nature, the Order under Section 145 of the Code of Criminal Procedure is passed by directing the petitioners herein not to disturb possession of the respondent No.1 to 4.

3. Learned counsel appearing for the respondent No.1 submitted that, petitioners have filed Special Civil Suit No.690 of 2019 in the Court of 10th Civil Judge, Senior Division, Pune and the same is pending for final adjudication.

4. In view of the aforestated facts, this Court is of the opinion that, there is no need to interfere with the impugned Order passed by the respondent No.5. Even otherwise, the said Order under Section 145 of Cr.P.C. will remain in-force till the Civil Court adjudicates upon the rights of the parties herein.

5. Petition is accordingly disposed off.

(A.S. GADKARI, J.)