IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 48924 of 2018

BETWEEN:-

1. **ALLABAKSH S/O SUBRATI, AGED ABOUT 90 YEARS, OCCUPATION: FARMER R/O. VILLAGE JAKUKHEDI POLICE STATION MANPUR, TEHSIL DR. AMBEDKAR NAGAR MHOW, DISTT. INDORE (MADHYA PRADESH)**

2. **GABBU S/O ALLABAKSH, AGED ABOUT 50 YEARS, OCCUPATION: FARMER R/O. VILLAGE JAKUKHEDI POLICE STATION MANPUR TEHSIL DR. AMBEDKAR NAGAR MHOW, DISTT. INDORE (MADHYA PRADESH)**

.....PETITIOENRS

(BY SHRI NILESH AGRAWA - ADVOCATe)

AND

1. **THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THR.PS. MANPUR TEH. MHOW DISTT INDORE (MADHYA PRADESH)**

2. **SHAFI MOHAMMAD S/O ABJI, AGED ABOUT 65 YEARS, OCCUPATION: FARMER, R/O. VILLAGE JAKUKHEDI POLICE STATION MANPUR TEHSIL DR. AMBEDKAR NAGAR MHOW, DISTT. INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI TARUN PAGARE - P.L. FOR STATE)
(SHRI RISHIRAJ TRIVEDI - ADVOCATE FOR RESPONDENT NO.2)

This application coming on for admission this day, the court passed the following:

ORDER

1. Heard.

Signature Not Verified
Signed by: SHAILESH MAHADEV SUKHDEVE
Signing time: 03-02-2024 13:58:07

2. This petition under Section 482 of the Cr.P.C has been preferred by the petitioners against an order dated 20/11/2018 passed by the Second Addl. Sessions Judge, Dr. Ambedkar Nagar, Mhow, District Indore in Cri.Rev.No.55 of 2018 affirming the order dated 6/9/2018 passed in Criminal Case No.001/cri/17-18 by the Sub Divisional Magistrate (Revenue) Dr. Ambedkar Nagar, Mhow, District Indore.

3. By order dated 7/12/2018, while issuing notices to respondent No.1 the operation of the order passed by the Sub Divisional Magistrate was stayed. It is observed that the proceedings are under Section 145 of the Cr.P.C and between the parties a civil litigation is already pending which has been decided by the trial Court and an appeal against the same is pending before the lower appellate court at the instance of the present petitioner in which the issue as regards possession is specifically in dispute.

4. Thus in the available facts of the case, this petition stands disposed off with a direction that status quo with respect to the disputed land shall be maintained by the parties and the same shall be subject to the final decision as regards possession which shall be determined by the lower appellate court in civil litigation.

5. The record of the civil appeal as well as the trial Court called for in this petition be sent post haste to the lower appellate Court.

C.c. as per rules.

(PRANAY VERMA)
JUDGE

SS/-

Signature Not Verified
Signed by: SHAILESH MAHADEV SUKHDEVE
Signing time: 03-02-2024 13:58:07