

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

WRIT PETITION NO. 2028 OF 2026

Lalita Prabhakar Sangawar and Anr ..Petitioners
Versus
State of Maharashtra and Ors ...Respondents

Mr. Abhijit Kulkarni, with Onkar Somvanshi, for the Petitioner.
Mr. P. P. Malshe, APP, for Respondent No.1.
Mr. Sujay H Gangal, with Harshal N Mule, for Respondent Nos. 2 to 7.

CORAM: N. J. JAMADAR, J.
DATE : 30th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The Challenge in this Petition is to an order dated 24th March 2026, passed by the learned Additional Sessions Judge, Pune, in Criminal Revision Application No. 169 of 2025, whereby the Criminal Revision Application preferred by Respondent Nos. 2 to 4 herein, was allowed and the order passed by the Executive Magistrate on 4th March 2025 in case No. 1 of 2024 under Section 145 of the Code of Criminal Procedure, 1973 ("the Code") was set aside.

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3. The Petitioners have instituted Regular Civil Suit No. 694 of 2023 seeking a decree for specific performance of the contract for sale of the immovable property and the consequential reliefs of injunction. In the said Suit the Petitioners have also prayed for grant of interim reliefs by filing an Application for temporary injunction.

4. It seems that during the pendency of the said Suit, in view of the reports lodged with the police, at the instance of the police, the Executive Magistrate has initiated action under Section 145 of the Code.

5. It appears consequent to the impugned order passed by the learned Sessions Judge, certain developments have occurred. However, the parties are at issue over the exact position as to the possession of the parties over the disputed property.

6. Since the Civil Suit is pending and in the said Suit an application for temporary injunction awaits adjudication, all the contentious issues can be legitimately and effectively decided by the Civil Court. Hence, it would be appropriate that the said Application for temporary injunction is decided by the Civil Court expeditiously.

7. The learned Judge shall, however, decide the said Application on its own merits and in accordance with law, without being influenced by the observations in the impugned order as well as the subsequent order dated 30th March 2026 passed by the learned Sessions on an Application

for stay and also the order dated 4th March 2025 passed by the Executive Magistrate which was set aside by the learned Sessions Judge.

8. Till the learned Civil Judge decides the Application for temporary injunction, Respondent Nos. 2 to 7 shall not take further precipitative action.

9. Petition disposed.

[N. J. JAMADAR, J.]