



Received on	01/01/2021
Registered on	07/01/2021
Decided on	07/04/2026
Duration	05 Y. 03 M. 06 D.

**IN THE COURT OF SESSIONS JUDGE, WASHIM.**

**[Presided over by Anil Subramaniam]**

**Criminal Revision No. 01/2021**

**Exh. No. 17**

**CNR No. MHWS010000172021**

1)	Jankiram Narayan Dindarkar, Aged about 59 years, Occu. Agriculture, R/o. Civil Lines, Risod, Dist. Washim.	
2)	Subhash Narayan Dindarkar, Aged about 53 years, Occu. Agriculture,	
3)	Suresh Narayan Dindarkar, Aged about 45 years, Occu. Agriculture,	
4)	Smt. Vatsalabai Sadashiv Dindarkar, Aged about 48 years, Occu. Agriculture, 2 to 4 R/o. Kumbhar Galli, Risod, Dist. Washim.	
<b><u>VERSUS</u></b>		
1)	Krushna Lingappa Asankar, Aged about 38 years, Occu. Agriculture,	
2)	Chaitanya Harshvardhan Asankar, Aged about 21 years, Occu. Agriculture, 1 & 2 R/o. Asangalli, Risod, Dist. Washim.	
3)	Shivappa Prabhuappa Mulange, Aged about 42 years, Occu. Agriculture, R/o. Jintur, Tq. Jintur, Dist. Parbhani.	
4)	State of Maharashtra, Through PSO, Risod, Dist. Washim.	
		<b>.. Petitioners.</b>
		<b>... Respondents.</b>

**REVISION PETITION UNDER SECTION 399 R/W 397 OF CR. P .C.**

=====

Appearance:-

Mr. S. K. Malas, Mr. G. A. Lavhale, Advocates for the petitioners.

Mr. P. K. Sawarkar, Advocate for the respondent Nos. 1 & 2.

Ex-parte against respondent Nos. 3 & 4.

=====

**J U D G M E N T**

(Dated 07/04/2026)

1. By the present revision, the applicants are challenging the order passed by the Ld. SDM, Washim in proceeding bearing number 03/Risod/2018 under Section 145 of Cr. P. C. dated 23.09.2020.
2. It is the case of the applicant herein that proceedings came to be initiated before the Ld. SDM on the report of the concerned police alleging that The party no. 1 i.e. the applicant herein has given written complaint that her father-in-law has purchased disputed property and there was an agreement to sale in that regard and possession was handed over. After the death of her father-in-law the heirs are occupying the said property. It is further alleged that her husband and her brother-in-law died and thereafter the other heirs are in occupation of the said property. Since last 38 years, the complainant and relatives are in occupation of the property and they have filed civil suit and same is pending before the court. It is further alleged that the opponents entered their field and objected and threatened that they will be assaulted, if they enter into the property. The property is in their occupation since long. Suit bearing RCS No. 298 of 2012 has been filed by them and interim relief was rejected and miscellaneous appeal was also filed which was also dismissed against the interim relief. In such circumstances, it is alleged that the

possession may be taken up by force and hence likelihood of breach of peace.

3. The respondents submitted that the property is owned by Appaswami Sansthan and is in their occupation since long. The property has been given to Navnath and Rameshwar for cultivation. Applicant preferred suit claiming injunction which was rejected and appeal against it was also rejected. The property is in occupation of the trust and the applicants had no possession of the same and they are trying to take illegal possession of the same.
4. After hearing both the sides, the Ld. SDM passed an order directing that the party No. 1 i.e. the applicants herein should execute bond that they will not obstruct to the occupation of the respondent Nos. 1 to 3. Hence, present revision application.
5. Heard both sides. Considered the submissions advance. Following points arise for my consideration and I answer the same as under for the reasons stated herein after.

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1]	Whether Revision application is maintainable?	<b>... In the affirmative.</b>
2]	Whether the learned SDM could initiate proceedings under Section 145 of Cr.P.C. when the civil proceedings were pending?	<b>... In the negative.</b>
3]	Whether the impugned order requires interference?	<b>... In the affirmative.</b>
4]	What order ?	<b>... As per final order.</b>

## REASONS

### As to point No. 1 -

6. Apparently this is an order passed by the Learned Special Sub-Divisional Magistrate. Considering the same that He is an magistrate duly established under the Code of Criminal Procedure and hence is amenable for revision before this court. Considering the same the revision is maintainable. Hence, I answer point No. 1 in affirmative.

### As to point No. 2 -

7. It is part of record and so also the parties have pointed out that there is a suit filed, namely 298 of 2012, in which interim relief has been rejected against the applicants. The miscellaneous appeal is also rejected. Considering the same and in view of the pendency of the suit, apparently it is for the parties to approach the Civil Court in that regard if entitled to. The process of Sec 145 of Cr.P.C. and Revision cannot reopen what the civil court has decided or adjudicated upon. There is nothing on record to show as to why the Civil Court cannot be approached for grant of such protection when it is seized with the said matter. A lame attempt was made by the respondents to contend that it is a different dispute. On consideration of reply of the opponent No. 1 he has specifically pointed out that the dispute relates to the same property and possession also is part of the dispute.

8. There could be documents or other aspects relating to the said property. But the same has to be considered by the Civil Court. The copy of the plaint supplied shows that The present applicants have

preferred suit against the Appaswami Sansthan represented through opponent no. 1. The said suit is for specific performance. It is also suit for injunction. Considering the pendency of the suit, the Ld. SDM could not have exercised any rights unless some special Circumstances are shown to show inability of the Civil Court to pass any protective order.

9. In case of ***Ram Sumer Puri Mahant ..vs.. State Of U.P And Ors., AIR 1985 SC 472*** it is held that “*There is no scope to doubt or dispute the position that the decree of the Civil Court is binding on the criminal court in a matter like the one before us. Counsel for respondents 2-5 was not in a position to challenge the proposition that parallel proceeding should not be permitted to continue and in the event of a decree of the Civil Court, the criminal court should not be allowed to invoke its jurisdiction particularly when possession is being examined by the civil court and parties are in a position to approach the civil court for interim orders such as injunction or appointment of receiver for adequate protection of the property during dependency of the dispute. Multiplicity of litigation is not in the interest of the parties nor should public time be allowed to be wasted over meaningless litigation. We are, therefore, satisfied that parallel proceedings should not continue and the order of the learned Magistrate should be quashed.*” is squarely applicable in this case.
10. In such circumstances, I hold that in view of pendency of proceedings under Section 145, proceedings are not maintainable because of pendency of the Civil Suit. No orders could have been

passed under Section 145 of Cr. P. C. and hence, I pass the following order.

**ORDER**

- A) Criminal Revision is allowed.
- B) Order passed by the Learned Sub-Divisional Magistrate, Washim in proceeding hearing No. 3/Risod/2018 under Section 145 of Cr. P. C. dated 23.09.2020 is hereby set aside.
- C) It is clarified that this Court has not considered the aspect of merits with regard to the occupation or possession of the parties over the said property.
- D) Inform to Ld. Trial Court, accordingly.
- E) No order as to costs.
- F) Revision petition disposed of accordingly.

Date:- 07/04/2026.

**(Anil Subramaniam)**  
Sessions Judge, Washim.

**CERTIFICATE**

I affirm that the contents of this PDF file word to word are same as per original judgment/order.

Name of Stenographer	:	A. W. Ajmire, Steno (Grade II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	07/04/2026
Judgment Dictated on	:	07/04/2026
Order/Judgment signed by Presiding Officer on	:	07/04/2026
Order/Judgment uploaded on	:	07/04/2026