

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**MAIN CASE No: Cri.R.C.No.1368 of 2025****PROCEEDING SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	03.12.2025	<u>Dr.YLR,J</u> <u>Cri.R.C.No.1368 of 2025</u> Admit. Issue notice to the respondent Nos.3 to 10. The learned counsel for the petitioner is permitted to take out personal notice on the respondent Nos.3 to 10 and file proof to that effect. Post the matter after six (06) weeks. Dr.YLR,J <u>I.A.No.01 of 2025</u> Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. The Hon'ble Apex Court in Ram Sumer Puri Mahant v. State of U.P.,¹ observed that when a civil litigation is pending for the property about the possession, there was no justification in initiating parallel criminal proceedings under Section 145 of 'the Cr.P.C.,' on the principle that decree of the Civil Court is binding on the Criminal Court. The Hon'ble Apex Court in Amresh Tiwari v. Lalta Prasad Dubey², at paragraph No.14 observed that parallel proceedings under Section 145 of 'the	Contd...

¹ (1985) 1 SCC 427² (2000) 4 SCC 440

	Cr.P.C.,’ should not continue when the parties are in a position to approach the Civil Court for adequate protection of the property during the pendency of the dispute. The Hon’ble Apex Court in <i>Ram Sumer Puri Mahant</i> and <i>Amresh Tiwari</i> (<i>supra</i>) observed that when a civil suit is pending between the parties, the learned Mandal Executive Magistrate, while invoking powers under Section 126 of ‘the BNSS’ (equivalent to Section 107 of ‘the Cr.P.C.’), is not supposed to pass any orders and he has to allow the parties to litigate the matter before the learned Civil Court for an appropriate judgment and decree. With regard to the subject matter, a suit was instituted in O.S.No.42 of 2019 on the file of the learned Senior Civil Judge, Garazala, and the same was decreed. Challenging the said judgment and decree, an appeal was preferred in A.S.No.29 of 2025 on the file of the learned X Additional District Judge, Garazala, and the appeal is pending consideration. During the pendency of the appeal, which is continuation of the original proceedings, the learned Tahsildar-cum-Mandal Executive Magistrate, Dachepalli, Palnadu District, by his order, directed the parties to maintain <i>status quo</i> regarding the possession and use of the disputed land. Considering the above facts and circumstances of the case, the order dated 14.11.2025 in RC.No.402/D.T. on the file of the	Contd...
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		2nd respondent/ the learned Tahsildar-cum-Mandal Executive Magistrate, Dachepalli, Palnadu District, is suspended pending disposal of the Criminal Revision Case. RSI Dr.YLR,J	
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