

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

: PRESENT:

THE HONOURABLE Dr JUSTICE Y. LAKSHMANA RAO

IA No. 1 OF 2025

IN

CRLRC NO: 1368 OF 2025



Between:

1. Kethavath Balaji Naik, S/o Venkateswarlu, aged: 40, R/o D.No.4-316, Nadikudi village, Dachepalli Mandal, Palnadu District,
2. Kethavath Chitti Bai, W/o Kethavath Balaji Naik, R/o D.No.4-316, Nadikudi village, Dachepalli Mandal, Palnadu District.

...Petitioners

(Petitioners in CRLRC No.1368 OF 2025

on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by The Public Prosecutor, High Court of A.P., Amaravati, Guntur District.
2. The Tahsildar cum Mandal Executive Magistrate, Dachepalli Mandal, Palnadu District.
3. Mudavath Venkateswarlu, S/o Nanya, aged: 30 years, R/o Nadikudi village, Dachepalli Mandal, Palnadu District.
4. Rupavath Dasarath, S/o Sriramulu, aged: 35 years, R/o Sankarapuram village.
5. Kethavath Chendu Naik, S/o Haria, aged: 55 years, R/o Kothapullareddigudem village, Macherla Mandal, Palnadu District.
6. Kothapalli Srinu @ Mudavath Srinu, S/o Hobla Naik, aged: 50 years, R/o Kothapalli village, Macherla Mandal, Palnadu District.

7. Vadithe Chilaka Bai, W/o Kethavath Chennakesava Nayak, R/o D.No. 19-991, Rasoolpet, Piduguralla town, Piduguralla, Palnadu District.
8. Kethavath Chennakesava Nayak, S/o Venkateswarlu Naik, aged:36 years, R/o D.No.19-991, Rasoolpet, Piduguralla town, Piduguralla, Palnadu District.
9. Kethavath Balamma, D/o Venkateswarlu naik, aged: 44 years, R/o D.No.19-991, Rasoolpet, Piduguralla town, Piduguralla, Palnadu District.
10. Venkata Samba, S/o not known to petitioner, R/o Dachepalli Mandal, Palnadu District

...Respondents
(Respondents in-do-)

Counsel for the Petitioner: Sri P Vivek

Counsel for the Respondent No.1: Public Prosecutor

Petition under Section 528 of BNSS is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the proceedings in Rc.No.402/D.T., dated 14-11-2025, on the file of the 2nd respondent- Mandal Executive Magistrate, Dachepalli, Palnadu District, Pending disposal of CRLRC No.1368 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

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 Dubey*², at paragraph No.14 observed that parallel proceedings under Section 145 of 'the 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 *Ram Sumer Puri Mahant and Amresh Tiwari* (supra) 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 *status quo* 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 2nd respondent/ the learned Tahsildar-cum-Mandal Executive Magistrate, Dachepalli, Palnadu District, is suspended pending disposal of the Criminal Revision Case.

SD/- M SURYANADHA REDDY

JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The X Addl. District Judge, Gurazala
2. The Tahsildar cum Mandal Executive Magistrate, Dachepalli Mandal, Palnadu District.
3. Mudavath Venkateswarlu, S/o Nanya, aged 30, R/o Nadikudi village, Dachepalli Mandal, Palnadu District.
4. Rupavath Dasarath, S/o Sriramulu, R/o Sankarapuram village.
5. Kethavath Chendu Naik, S/o Haria, R/o Kothapullareddigudem village.
6. Kothapalli Srinu @ Mudavath Srinu, S/o Hobla Naik, R/o Kothapalli village, Macherla Mandal, Palnadu District.
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9. Kethavath Balamma, D/o Venkateswarlu naik, R/o D.No. 19-991, Rasoolpet, Piduguralla town, Piduguralla, Palnadu District.
10. Venkata Samba, R/o Dachepalli Mandal, Palnadu District (3 to 10 by RPAD)
11. One CC to Sri P Vivek, Advocate [OPUC]
12. Two CCs to Public Prosecutor, High Court of Andhra Pradesh [OPUC]
13. One spare copy

HIGH COURT

DR.YLR, J

DATED: 03/12/2025

POST THE MATTER AFTER SIX (06) WEEKS

ORDER

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IN
CRLRC NO: 1368 OF 2025

INTERIM SUSPENSION

