

> IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1622 OF 2009
[Arising out of SLP(Crl.) No.6877 of 2006]

MD.SALEEMUDDIN & ORS. ... Appellant(s)

Versus

SPECIAL GRADE DY.COLLECTOR & ORS. ... Respondent(s)

ORDER

Leave granted.

The appeal is directed against the order passed by the High Court quashing the proceedings taken by the respondent No.3 herein under Section 145 Cr.P.C.

Admittedly, a suit has been filed by the appellants for declaration and injunction and an interim order of injunction has been passed therein. The application for temporary injunction is yet to be disposed of. Simultaneously, a cross suit has been filed by the respondent No.3, which is also pending, wherein also an application for temporary injunction is pending.

The matter was taken to the High Court, which directed the parties to maintain status quo, against which this special leave petition has been filed.

Inasmuch as, civil suits are pending between the parties which are ready for hearing, and the matter relating to injunction is yet to be finally disposed of and the

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parties have been directed to maintain status quo, the application filed under Section 145 of the Cr.P.C. was quiet unwarranted.

We, therefore, allow the appeal, set aside the order passed by the High Court and quash the proceedings under Section 145 Cr.P.C. pending before the respondent No.1 and direct the trial court to dispose of the two pending suits expeditiously.

.....J.
(ALTAMAS KABIR)

.....J.
(V.S. SIRPURKAR)

New Delhi,
August 24, 2009.
ITEM NO.202

COURT NO.5

SECTION II

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6877/2006

(From the judgement and order dated 01/12/2006 in CRLP No.
3900/2006 of The HIGH COURT OF A.P AT HYDERABAD)

MD.SALEEMUDDIN & ORS.

Petitioner(s)

VERSUS

SPECIAL GRADE DY.COLLECTOR & ORS.

Respondent(s)

(With appln(s) for stay and permission to file additional
documents and permission to file addl. documents and office report)
(for final disposal)

Date: 24/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr. G. Ramakrishna Prasad, Adv.
Mr. Suyodhan Byrapaneni, Adv.
Mr. Amar Pal, Adv.

For Respondent(s)

R3 Mr. Y. Raja Gopala Rao, Adv.
Mr.Y. Ramesh, Adv.
Miss Y.Vismai Rao, Adv.
Miss Y.Prinaka Kumari, Adv.
Mr. B.V. Niren, Adv.

Mr. I.Venkat Narayan, Sr. Adv.
Mrs. D.Bharathi Reddy, Adv.
Mrs. Anuradha Rustogi, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

(Sheetal Dhingra) (Juginder Kaur)

Court Master Court Master

[Signed order is placed on the file]