
(2025) 10 TH CK 0035

Telangana HC

Case No: Criminal Petition No.10573 Of 2025

Ireddy Ravinder Reddy

APPELLANT

Vs

State of Telangana

RESPONDENT

Date of Decision: Oct. 8, 2025

Acts Referred:

- Code of Criminal Procedure, 1973 — Section 145

Hon'ble Judges: Tirumala Devi Eada, J

Bench: Single Bench

Advocate: V.V. Rama Rao, Shalini Saxena, Gandyapu Rajesham

Final Decision: Dismissed

Judgement

Tirumala Devi Eada, J

1. This criminal petition is filed seeking to quash the proceedings dated 04.08.2025 in proceedings No.C/916/2025 by the respondent No.3-Revenue Divisional Officer/Sub-Divisional Magistrate, Siricilla.

2. Heard Mr.V.V. Ramana Rao, learned counsel for the petitioners and Ms.Shalini Saxena, learned Assistant Public Prosecutor for the respondent No.1-State and Mr. Gandyapu Rajesham, learned counsel for respondent No.2.

3. Learned counsel for the petitioners has submitted that a civil suit is pending between the parties and thus, the proceedings under Section 145 Cr.P.C., are not maintainable and that the petitioner is very much in

possession of the subject property and that there is a standing crop in the property. The de facto complainant has lodged the complaint with an evil eye just to harass the petitioner and to grab the property. He further submitted that continuation of proceedings which are not tenable in the eye of law would be an abuse of process of law and hence, prayed to quash the impugned proceedings.

4. The learned counsel for the respondent No.2 has submitted that it is only an injunction suit that is pending before the trial court and it is not a comprehensive suit and hence, the proceedings under Section 145 Cr.P.C. can be initiated to prevent the breach of peace in the locality. He further submitted that the petition lacks merit and hence, prayed to dismiss the same.

5. Perused the record.

6. The petitioners have filed the copy of the orders dated 12.04.2022 in W.P. No.18105 of 2022 along with this petition. A perusal of the said orders reveals that the petitioners herein have filed writ petition along with two others seeking a direction to the District Collector and Tahsildar not to enter the names of the respondent Nos.4 and 5 therein, who is respondent No.2 in the present petition and another person in Dharani portal in respect of land in Sy.No.1038/A admeasuring 27 gts., and land in Sy. No.1053/AA admeasuring Acs.1.08 gts., situated at Repaka Village, Ellanthakunta Mandal, Rajanna Siricilla District. In the said case, a Single Judge of this Court has directed the respondents therein to maintain status quo in respect of the entries in Dharani Portal in regard to the said subject land. It is further borne out from the record that O.S. No.231 of 2019 is pending before the Principal Junior Civil Judge, Siricilla, which was re-numbered as O.S. No.383 of 2024 seeking injunction. The said suit is filed by the de facto complainant and two others against the petitioners herein.

7. Thus, the contention of the learned counsel for the petitioners is that when a civil suit is pending and when the status quo orders issued by this Court are in force, it is not proper to initiate proceedings under Section 145 Cr.P.C. and that the RDO has made an error in issuing the said proceedings and contends that the impugned proceedings should be quashed.

8. The Hon^{ble} Apex Court in Ram Sumer Puri Mahant. v. State of U.P. and others AIR 1985 Supreme Court 472 held that:

“When a civil litigation is pending for the property wherein the question of possession is involved and has been adjudicated, we see hardly any justification for initiating a parallel criminal proceeding under Section 145 of the Code. 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 pendency 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.â€■

9. In *Fakir Chand v. Sub-Divisional Magistrate, Kaithal* 1987 LawSuit (P&H) 1065, the High Court of Panjab & Haryana has referred the decision of *Ram Sumer Puri Mahantâ€™s case* (1 supra) and has held that the observations of the Supreme Court in *Ram Sumer Puri Mahantâ€™s case* cannot be construed to mean that in every case, wherever a civil suit is pending regarding the same subject matter, criminal proceedings under Section 145 Cr.P.C., cannot be initiated. In that particular case, plaintiffâ€™s suit had been dismissed and the appeal against the order of dismissal is pending. The question of possession was involved which had already been adjudicated upon by the High Court. It is in these circumstances that the Supreme Court observed that initiation of criminal proceedings under Section 145 of Cr.P.C. should not be permitted. The decision of a Division Bench of the High Court of Punjab & Haryana in *Mohinder Singh v. Shri Dilbagh Rai* 1976 (78) PunLR 803 was also referred, wherein it was held that mere pendency of a civil suit regarding the same subject matter between the parties does not bar the Magistrate from exercising his jurisdiction under Section 145 of the Code. It was observed that maintenance of status quo during the pendency of the civil suit is a situation in which a civil court does not prima facie feel satisfied about any party being in possession, the Executive Magistrate in such matters when both parties claim possession can initiate proceedings under Section 145 of the Code. The said judgment does not come in conflict with the law laid down in *Ram Sumer Puri Mahantâ€™s case*. Therefore, it was held by the High Court of Punjab and Haryana that the orders of the learned Executive Magistrate under Section 145 of Cr.P.C. were upheld.

10. Conversely, in cases where the civil court has not made a determination regarding possession, the criminal court retains the authority to act under Section 145 Cr.P.C., as held by the Supreme Court in *Mando Kumhharuni v. Dutia Rana* (1990) 69 CLT 274. If there is no effective order from the Civil Court regarding possession or if the civil court has not determined which party is in actual possession, the Magistrate may proceed under Section 145 to maintain peace as per the decision in *Mahant Govind Sharan Ji Maharaj v. State of U.P.* If a Civil Court has issued an interim injunction regarding possession, the Criminal Court should respect the order and may choose to drop the proceedings under Section 145 Cr.P.C.

11. In the present case, there is a direction by the High Court in Writ Petition No.10105 of 2022 to the effect of maintaining status quo with regard to the entries in Dharani Portal, which means to say that it has not ordered in favour of any of the parties. Further, the orders do not speak anything about the possession of either of the parties over the subject land. The impugned order passed by the RDO, Siricilla is to the effect

that both the parties are prohibited in entering gathering and conducting meeting etc., in the said land until further orders and the Sub-Inspector of Police is directed to watch and maintain law and order at the disputed land. So, in order to maintain peace, the proceedings No.C/916/2025 dated 04.08.2025 under Section 145 Cr.P.C., are passed by the respondent No.3-Revenue Divisional Officer/Sub-Divisional Magistrate, Siricilla. Hence, the same need not be interfered with and are upheld.

12. In view of the law laid down by the Apex Court and the discussion held above, it is held that there is no infirmity in the impugned orders. Hence, the present petition lacks merit and the same is liable to be dismissed.

13. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions pending, if any, shall stand closed.