

Criminal Misc. Application No.496 of
2001
(Old No. 4022 of 1987)

Hon. Irshad Hussain, J.

Sri Dharam Veer learned
counsel for the petitioner and Sri
K.S. Rautela learned A.G.A. None
appear for the respondent no.2.

The petition under Section
482 of the Code of Criminal
Procedure (for short 'Code') was
preferred for quashing of the
proceedings drawn under Section
145 of the 'Code'. In view of the
fact that the civil suit no. 13 of 1986
between the parties in regard to the
same property was pending before
the competent civil court. Since
parallel proceedings cannot be
drawn in view of the pendency of
the civil litigation, the proceedings
under Section 145 of the 'Code'
were nothing but mere abuse of
the process of the court and
therefore these need to be quashed.

The petition is allowed and
the proceedings under Section 145
of the 'Code' drawn and registered
as case no. 13 of 1986 before SDM,
Kashipur are quashed.

(Irshad Hussain, J.)

Dated 28.11.2003
Rawat