



**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
IN THE COURT OF SUB-DIVISIONAL MAGISTRATE, PATEL NAGAR
ROOM NO. 202, SUB-DIVISION PATEL NAGAR,
DM OFFICE COMPLEX RAJOURI GARDEN, NEW DELHI-110027**

CASE ID 37580/SDM(PN)/2024/56

Dated: 16/08/2024

Gaurav SukhijaApplicant/Petitioner

vs.

Sandeep Dhingra & Satya Dhingra.....Respondents

O R D E R

Under Section 145 of the Code of Criminal Procedure

The complaint was filed by Shri Gaurav Sukhija on 16/04/2024, alleging illegal occupation by Shri Satya Dhingra and Smt. Sandeep Dhingra of the ground floor of the property located at Plot No. 1/13, West Patel Nagar, Delhi. Notices were issued to the parties concerned.

The complainant's prayers include:

1. Issuance of a direction/order to the respondents to vacate and peacefully hand over 2/3rd of the ground floor to the petitioner without further delay.
2. Issuance of a direction/order to the respondents and AU Small Finance Bank to pay 2/3rd of the rent amount to the petitioner with retrospective effect from the commencement of the lease agreement.
3. Issuance of a direction/order to the respondents and AU Small Finance Bank to surrender their lease agreement under "Article 61 Surrender of Lease" in the concerned Sub Registrar Office.
4. Issuance of a direction/order to the respondents to rectify the contents of their sale deed executed among the respondents and Smt. Madhu Handa for a proper 1/3rd undivided share in the suit property instead of the ground floor in the concerned Sub Registrar Office.
5. Any other order deemed fit and appropriate by this Hon'ble Court.

Respondents' Statement:

The respondents, Shri Sandeep Dhingra and Smt. Satya Dhingra, through their counsel Shri Pawan Verma, informed the court that a civil suit, No. CS(OS) 742/2023, titled *Manmeet Kaur through her SPA Gaurav Sukhija vs. Sandeep Dhingra & Ors.*, is currently pending before the Hon'ble High Court of Delhi.

GAURAV SUKHIJA Vs. SANDEEP DHINGRA & Ors.

In light of the ongoing civil litigation concerning the same property, the Supreme Court has consistently held that proceedings under Section 145 CrPC become infructuous when a civil court is seized of the matter. The following judgments are relevant:

1. **Ram Sumer Puri Mahant v. State of U.P. &Ors. (1985):** The Supreme Court held that parallel proceedings under Section 145 CrPC should be avoided when a civil suit concerning the title or possession of the same property is pending.
2. **Ashok Kumar v. State of Uttarakhand (2013):** The Court emphasized that when civil litigation involving possession is pending, Section 145 CrPC proceedings should not continue as the civil court is competent to grant interim relief.
3. **Sundar Singh vs. State Of U.P. &Ors. (2014):** The Court reiterated that Section 145 proceedings are intended to maintain the status quo temporarily and should not continue when the civil court is already adjudicating the matter.

Given the pendency of the civil suit before the Hon'ble High Court of Delhi, the proceedings under Section 145 CrPC in this matter are hereby dismissed as not maintainable in this court.

Order:

The application under Section 145 CrPC filed by the complainant Shri Gaurav Sukhija is dismissed as infructuous and not maintainable due to the ongoing civil proceedings in the Hon'ble High Court of Delhi. The parties are advised to seek appropriate relief from the civil court, which is competent to adjudicate the matter.

Announced in the open court on 08th of August 2024.

File be consigned to record room

Aditya Sangotra
Sub Divisional Magistrate
Patel Nagar

- Recd
30/8/24
22/8/24*
1. Sh. Gaurav Sukhija S/o Sh. Raj Kumar Sukhija R/o 20/37, West Patel Nagar, New Delhi.
 2. Sh. Sandeep Dhingra & Smt. Satya Dhingra R/o N-Block 133 (N-133), Greater Kailash, South Delhi-110048.
 3. Reader to upload this order at e-Revenue Portal.