



**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 37583/SDM(PN)/2024/55

Dated: 16/08/2024

Satiah GuptaApplicant/Petitioner

vs.

Rachna Gupta.....Respondent

O R D E R

Under Section 145 of the Code of Criminal Procedure

The Kalandra vide DD No.52A dated 23/11/2023 was received from SHO (Anand Parbat) alleging that a dispute between the above mentioned parties regarding ownership claims of property bearing No.J-37/D, Anand Parbat, Ind. Area, New Delhi. Notice was issued to the parties concerned.

Petitioner & Respondent Statement:

Petitioner as well as the Respondent has accepted that the same matter is pending before the Hon'ble High Court of Delhi. Wherein, the Hon'ble Court has also issued interim orders in CS (OS)29/2024, I.As.2564/2024, 2565/2024. In a case titled Satish Gupta Vs Rachna Gupta & 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 Kalandra vide DD No. 52A received from SHO (Anand Parbat) under Section 145 CrPC titled as Satish Gupta Vs. Rachna Gupta 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 09th of July 2024.

File be consigned to record room

**Aditya Sangotra
Sub Divisional Magistrate
Patel Nagar**

1. Sh. Satish Gupta S/o Sh. Om Prakash Gupta R/o 3073, Bazar Sitaram Delhi-110006.
2. Smt. Rachna Gupta W/o Sh. Atul Gupta R/o J-146, Sarita Vihar, New Delhi.
3. Reader to upload this order at e-Revenue Portal.
4. SHO (Anand Parbat)