
(1986) 11 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 607 of 1986

Bhopal Singh

APPELLANT

Vs

Ram Chand

RESPONDENT

Date of Decision : 20-11-1986

Acts Referred:

Citation : (1987) 1 RCR(Criminal) 191

Hon'ble Judges : I.S.Tiwana, J

Advocate : A.K. Chopra, T.S. Doabia, Advocates for appearing Parties

Judgement

I.S. Tiwana, J. (Oral)

1. The petitioners impugn the order of the Additional Sessions Judge, dated March 19, 1986, whereby he has quashed the proceedings initiated by respondent Ram Chand under Section 145 of the Criminal Procedure Code. The said proceedings have been quashed for the sole reason that by the time Ram Chand had reported to the police that there was a dispute with regard to the possession of 46 kanals and 18 marlas of land (detailed in the impugned order) and the Sub Divisional Magistrate had passed the preliminary order under Section 145 Cr.P.C., the present petitioners had already filed a suit on April 28, 1981 praying for a declaration that the petitioners were in physical possession of the suit land and the defendant, i.e., Ram Chand, now respondent, be restrained from interfering in their possession. Having heard the learned Counsel for the parties at some length I find nothing wrong with the impugned order. It is the settled law that after the pendency of the proceeding in a civil Court concerning the factum of possession of a particular suit property no proceedings under Section 145 Cr.P.C. can be launched qua that property. The solitary argument raised by Mr. Doabia is that since Ram Chand respondent had lost his case before the Sub Divisional Magistrate as the latter had held that he was not in possession of the suit property, he could not urge in his revision petition before the Additional Sessions Judge that the proceedings under Section 145, Cr.P.C. Initiated by him should be quashed. The submission is apparently devoid of any

merit. The competency of the Additional Sessions Judge to say that the Sub Divisional Magistrate had no jurisdiction to initiate there proceedings under Section 145, Cr.P.C. in the face of the earlier pendency of the civil proceedings between the parties did not depend solely on what Ram Chand respondent had urged before him. The Court was exercising its revisional jurisdiction and was well entitled to hold that it has done keeping in view the settled proposition of law referred to above. I thus see no merit in this petition and dismiss the same.