
(1987) 04 P&H CK 0023

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 2135-M of 1987

Sapinder Singh

APPELLANT

Vs

Baljinder Singh

RESPONDENT

Date of Decision : 17-04-1987

Acts Referred:

Citation : (1987) 04 P&H CK 0023

Hon'ble Judges : S.S.Sodhi, J

Advocate : Malkeet Singh, Prem Chaudhary, R.K. Battas, Advocates for appearing Parties

Judgement

S.S. Sodhi. J.

1. The impugned order of the Sub Divisional Magistrate, Rajpura, on March 25, (Annexure P8) cannot be sustained keeping on March in view the fact that the petitioner had on December 10, 1986, obtained temporary injunction from the civil court to protect his possession over the land in question. It was about three months thereafter that proceedings under section 145 of the Criminal Procedure Code were initiated against the petitioner at the instance of the respondents. In these proceedings, on March 24. 1987, the order granting temporary injunction to the petitioner was shown to the learned Magistrate but despite this he proceeded to pass the impugned order on the next day i.e. March 25, 1987, whereby not only was a preliminary order passed under section 145 of the Criminal Procedure Code but a Receiver was also appointed in respect of this land. The order is clearly in conflict with the order passed by the civil court and it cannot therefore, be sustained.

2. Further, it is stated that the parties here are brothers and sisters and they have since settled their dispute by compromise.

3. In this view of the matter, the impugned order of the SubDivisional Magistrate. as also the entire proceedings under Section 145, of the Criminal Procedure Code are hereby quashed.

Proceedings quashed.