

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31541 of 2023

Applicant :- Smt. Rajni And 3 Others

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Raj Kumar Kesari

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicants and learned A.G.A. for the State of U.P./opposite party no. 1.

2-The instant application under Section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the orders dated 24.03.2023 and 08.06.2023 passed by Sub-Divisional Magistrate, Tehsil Mawana, District Meerut in Case No. 2219 of 2023 (*Ajaiveer and others vs. Lokesh Sharma and others*), under Sections 145 and 146(1) Cr.P.C., Police Station Parikshitgarh, District Meerut.

3-The main substratum of argument of learned counsel for the applicants is that the property in dispute is a residential property and was in possession of the applicant but the same has been illegally directed to be attached under Section 146(1) Cr.P.C. vide order dated 08.06.2023.

4-On the other hand, learned A.G.A. submits that the proceeding under Section 145 Cr.P.C. has been initiated on the report dated 14.03.2023 of Naib Tehsildar, Kithoor Region, Tehsil Mawana, District Meerut and a preliminary order under Section 145(1) Cr.P.C. has been passed on 24.03.2023 and after considering the response of the parties concerned, order dated 08.06.2023 has been passed by Sub-Divisional Magistrate, Mawana observing that on the basis of report dated 14.03.2023, he is satisfied that there is a dispute of land in question between the parties concerned and there is every possibility of breach of peace and any untoward incident may occur on account of said dispute, therefore, he

considering the case to be one of emergency deemed it necessary to attach the property in exercise of powers under Section 146(1) Cr.P.C. during the pendency of the proceeding under Section 145 Cr.P.C.

5-Having heard the submissions of learned counsel for the parties, this Court feels that since the proceedings under Section 145 Cr.P.C. is still pending before Sub-Divisional Magistrate, Mawana, no useful purpose would be served in issuing notice to the opposite party nos. 5 and 6 and keeping this matter pending before this Court. Under the facts of the case, it would be appropriate to issue directions to the authority concerned to decide the matter expeditiously.

6-Accordingly, the instant application is disposed of with a direction to Sub-Divisional Magistrate, Mawana to decide the aforesaid Case No. 2219 of 2023 (*Ajaiveer and others vs. Lokesh Sharma and others*) without granting any unnecessary adjournment to either of the parties if possible within a period of three months' from the date of production of certified copy of this order before it, if there is no legal impediment.

Order Date :- 6.11.2023
Saurabh