

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 32205 of 2018

Petitioner :- Om Prakash

Respondent :- State Of U.P. Thru. Distt. Magistrate Raebareli And 3 Others

Counsel for Petitioner :- Shishir Pradhan

Counsel for Respondent :- C.S.C.

Hon'ble Shamim Ahmed,J.

Heard Shri Shishir Pradhan, learned Counsel for the petitioner, Shri Satendra Srivastava, learned A.G.A. for the State-respondent No. 1 and 2 and perused the material placed on record.

The present writ petition has been filed on behalf of the petitioner, namely-Om Prakash seeking quashing of the impugned orders dated 27.06.2018 passed by learned Additional Sessions Judge, Court No.3, Raebareli in Criminal Revision No.158/2014 as well as order dated 29.09.2014 passed by the Sub Divisional Magistrate, Maharajganj, in Case No.34/2014 (Smt. Chhedana vs. Smt. Sundara), District-Raebareli. A further prayer has been made to direct the respondent No.2 to implead the petitioner, namely-Om Prakash as necessary party in pending case No.34/2014 (Smt. Chhedana vs. Smt. Sundara) under Section 145 and 146 Cr.P.C. and decide the case on merit after providing opportunity of hearing, in the interest of justice.

Learned Counsel for the petitioner submits that both the impugned orders dated 27.06.2018 and 29.09.2014 passed by learned Additional Sessions Judge, Court No.3, Raebareli and respondent No.2, respectively and are liable to be quashed by this Court and consequently, the petitioner may be allowed to implead himself as necessary party in Case No.34/2014 (Smt. Chhedana vs. Smt. Sundara).

On the other hand, learned A.G.A. for the State-respondent No.1 and 2 has opposed the submissions advanced by learned Counsel for the petitioner and submits that the impleadment application moved by the petitioner was rightly rejected by the respondent No.2 vide order dated 29.09.2014 and the revision was also rightly rejected by learned Additional Sessions Judge, Court No.3, Raebareli vide order dated 27.06.2018 after

considering the evidence on record. The proceedings initiated under Section 145 and 146 Cr.P.C. are summary proceedings and if the petitioner is aggrieved by any action or he claims ownership or title over the property in question, he may approach the competent civil court by moving an application seeking permanent injunction, thus, no interference by this Court is required in this matter.

After hearing learned Counsel for the parties and after perusal of record, this Court is satisfied with the submissions advanced by learned A.G.A. for the State-respondent No.1 and 2 and finds that both the impugned orders dated 27.06.2018 and 29.09.2014 were rightly passed and this Court also does not find any justification to entertain this writ petition as the revisional court has also passed the order dated 27.06.2018 on merits in the Criminal Revision No.158/2014. Further, if the petitioner is aggrieved and is claiming title or ownership over the property in question, then he may approach the competent civil court by moving an application for permanent injunction in his favour, in accordance with law, thus, this petition is liable to be disposed of.

In view thereof, the present petition is hereby ***disposed of.***

Order Date :- 21.8.2024

Piyush/-