

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.571 of 2015**

Ashok Kumar Agrawal, son of late Gajanand Agrawal, aged about 47 years, resident of Dabhra Road, Kharsiya, Tahsil Kharsia, P.S. Kharsiya, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Appellant**versus**

1. State of Chhattisgarh through the District Magistrate/Collector, Raigarh, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh
2. The Sub-Divisional Magistrate, Kharsiya, Civil and Revenue District Raigarh, Chhattisgarh
3. Station House Officer, Police Station Kharsiya, Civil and Revenue District Raigarh, Chhattisgarh
4. Anand Kumar Agrawal, son of late Gajanand Agrawal, aged about 50 years, resident of Dabhra Road, Kharsiya, Tahsil Kharsia, P.S. Kharsiya, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Respondents

For Appellant	:	Shri Ravi Kumar Bhagat, Advocate
For State/Respondents No.1 to 3	:	Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****3/12/2015**

1. An interlocutory application has been filed to condone delay of three days.
2. The present appeal arises from order dated 9.9.2015 disposing Writ Petition (Cr) No.92 of 2014 with the observation that the parties may prefer an appropriate application before the Sub-Divisional Magistrate in the proceedings pending under Sections 145 and 146 of the Cr.P.C. in view of the settlement arrived at between them.

3. Learned Counsel for the Appellant submits that Respondent No.4 has obtained the order dated 9.9.2015 by playing fraud. He is trying to take possession of the properties in question in a fraudulent manner contrary to the mutual understanding arrived at between the parties before this Court.

4. Learned Additional Advocate General points out that in I.A. No.8 of 2015 filed before the Learned Single Judge it was simply stated that the dispute has been amicably settled requesting for dropping the case. It was signed jointly by the parties. There was no compromise petition with any details of the terms of the compromise. If the Appellant is of the opinion that the conduct of Respondent No.4 before the Sub-Divisional Magistrate was contrary to the understanding arrived at when I.A. No.8 of 2015 was filed, it is open for him to pursue remedies in accordance with law as the writ petition was not disposed in terms of any written compromise.

5. It was next pointed out that against an order passed under Sections 145 and 146 of the Cr.P.C. the remedy of a criminal revision is provided for under the Cr.P.C.

6. Since no objection was taken by the parties before the Learned Single Judge with regard to the remedy of criminal revision available, we refrain from any observation on the same.

7. There was a proceeding under Sections 145 and 146 of the Cr.P.C. A criminal writ petition was filed against it. It needs no further discussion that the jurisdiction exercised by the Learned Single Judge was under Article 227 of the Constitution. Section 2 proviso of the Appeal to Division Bench Act specifically provides that no appeal shall lie against an order passed by a Learned Single Judge in exercise of supervisory jurisdiction under Article 227 of the Constitution.

8. The appeal is therefore held to be not maintainable. It is dismissed,

but without prejudice to the rights of the Appellant to pursue remedies appropriately in accordance with law.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE