

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21653 of 2014

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1. Sidheshwar Singh Son of late Biran Singh
2. Bijay Singh Son of Sideshwar Singh
3. Madan Singh
4. Rajesh Singh
5. Rakesh Singh All sons of Late Jagdish Singh All resident of Village -
Garhi Vishanpur, P.S. and District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishor Singh Son of Late Yogendra Prasad Singh
3. Upendra Singh Son of late Biran Singh
4. Ramayan Singh Son of late Biran Singh All resident of Village - Garhi
Vishanpur, P.S. and District - Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra
Mr. Shailendra Kumar
For the State : Mr. Jharkhandi Upadhyay (APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The application under section 482 of the Cr. P.C.
is directed against the order dated 26.11.2012 passed in Cr.
Revision No. 22 of 2009 whereunder the Additional District and
Sessions Judge-IIInd, Lakhisarai dismissed the aforesaid Criminal
Revision of the petitioners affirming the order dated 01.12.2009
passed by the S.D.M., Lakhisarai initiating the proceeding under
section 145 Cr. P.C. in which the petitioners are the members of
2nd Party whereas opposite party nos. 2 to 4 are the members of 1st
Party.

The sole submission of learned counsel for the petitioners is that while the application filed for initiating the proceeding under section 144 Cr. P.C. on behalf of the petitioners was pending before the S.D.M., Lakhisarai in which report was called for and Circle Officer, Lakhisarai submitted the report but the S.D.M. illegally initiated the proceeding under section 145 Cr. P.C. through order dated 13.11.2009, which is affirmed by the Court of Additional Session Judge, Lakhisarai through the impugned order..

On going through the provision of section 145 Cr. P.C., it is apparent that whenever an Executive Magistrate is satisfied that a breach of the peace exists in relation to any land, he shall make an order in writing stating the grounds of his satisfaction requiring the parties concerned in such dispute to attend the Court on a specified date and time and to put the written statement of their respective claims.

As such, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under section 482 Cr. P.C. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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