

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 892 of 2018**

1. Atul Nathan S/o Late O.J. Nathan Aged About 49 Years R/o- Qtr. No. D-12, River View Colony, Koni, Tahsil And District- Bilaspur, Chhattisgarh

---- **Petitioner****Versus**

1. Kiran Singh W/o G.S. Singh Aged About 45 Years
2. G. S. Singh S/o Chetan Narayan Singh Aged About 50 Years
3. Ajay Singh S/o Chetan Narayan Singh Aged About 47 Years

No.1 to 3 All R/o- Opp. I.T.I. Gate, Bada Hostel, Koni, Tahsil And District- Bilaspur, Chhattisgarh

---- **Respondents**

For Petitioner : Shri Ravindra Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04/05/2018**

1. Heard.
2. The present petition is against the order dated 30.04.2018, passed in the Criminal Revision No.78/2018, whereby the order dated 07.03.2018 by the SDM has been affirmed.
3. Perusal of the order would show that the petitioner is the owner of Khasra No.80/2 admeasuring 0.08 acres and Khasra No.79 admeasuring 0.31 acres, belongs to the ownership of the respondents. The record which was appreciated by both the Courts below shows the fact that the petitioner has encroached upon 2970 sq. feet of land, which belong to the respondents.

The records would also show that after the order was passed against the petitioner under Section 145 Cr.P.C. a civil suit was filed for declaration and injunction. In such civil suit also an application under Order 39 Rule 1 & 2 CPC was filed, which was dismissed. Considering the fact that the injunction has not been given in favour of the petitioner, granting another stay by this Court in exercise of power under Section 482 Cr.P.C. will virtually amount to superseeding the injunction order passed by the Court below while exercising the civil jurisdiction. Once the injunction having moved under Order 39 Rule 1 & 2 CPC and the same having been dismissed, the same cannot be repeated by enveloping the same in the garb of Section 482 Cr.P.C.

4. The petition has no merit. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu