

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 25 OF 2018

PRACXY COLACO AND ANR., ... Applicants

Versus

STATE, THR. P.I., CUNCOLIM POLICE
STATION, CUNCOLIM AND 2 ORS., ... Respondents

Adv. J. Abreu Lobo for the Petitioners.
Mr. S. R. Rivankar, Public Prosecutor for the Respondent no.1.
Adv. Carlos Alvares Ferreira for Respondents no.2 & 3.

Coram:- C. V. BHADANG, J.

Date:- 4th September 2018

Oral Order:

It is the common ground that since after the year 2015 there has not been any incident involving any breach of peace and neither of the parties have lodged any complaint or counter complaint against each other after the year 2015. The existence of a reasonable apprehension of breach of peace, is the very basis for initiation of the proceedings under section 145 of Cr.P.C.

2. In view of the fact that both the parties submit that there is no untoward incident in respect of the possession of the suit property, it would be unnecessary to proceed with the matter under section 145 of Cr.P.C. In such circumstances, the impugned order of remand is modified and the proceedings

initiated before the sub Divisional Magistrate are hereby quashed and set aside. Needless to mention that this will not preclude the learned Sub Divisional Magistrate to initiate proceedings in the event there is any fresh incident giving rise to an apprehension of breach of peace. The criminal revision application is disposed off in the aforesaid terms.

C. V. BHADANG, J.

ap/-