

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Revision No. 977 of 2011 (O&M)

Date of decision: 19.7.2018

Pawan Kumar

.. Petitioner

VS

Vijay Kumar and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Mannat Anand, Advocate for
Mr. Pritam Saini, Advocate, for the petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

Present petition has been filed challenging the order dated 3.3.2011 passed by the learned Additional Sessions Judge, Kurukshetra, whereby the order passed by the learned Sub Divisional Magistrate, initiating proceedings under Section 145 Cr.P.C., was set aside.

Though the issue of jurisdiction was sought to be raised, however, I do not find any reason to go into the same, for the reason that it has been recorded by the learned Additional Sessions Judge while accepting the Criminal Revision that the subject matter of property in dispute was pending consideration in civil litigation. The trial court had already decided the matter and at that stage the appeal was pending.

Once these facts were there, Sub-Divisional Magistrate could not initiate proceedings under Section 145 Cr.P.C. There is no error in the order passed by the learned Additional Sessions Judge. Accordingly, the present petition is dismissed.

19.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No