

\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 497/2016 & CRL.M.A. 14719/2017

AVAR SINGH

..... Petitioner

Through: Mr. Yeeshu Jain, Adv.

versus

STATE & ORS.

..... Respondents

Through: Mr. Akshai Malik, APP for the State
with SI Samrat Khatiyani, PS Harsh
Vihar.

Mr. Sumit Rana, Adv. for LR's of R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

06.09.2018

The dispute over possession of a parcel of land stated to be part of Khasra no. 905/442 situate in village Saboli, Delhi led to proceedings being taken out under Section 145 of the Code of Criminal Procedure, 1973 (Cr.P.C.) before the Sub-Divisional Magistrate, it eventually leading to order dated 26.12.2014 on the matter referred to as F.SDM/S.Puri/145/Cr.P.C./2013/16122 being passed whereby the petitioner and the third respondent were directed to "*maintain the peace*". The said order was challenged before the court of Sessions by the petitioner invoking its revisional jurisdiction by petition (Crl. Revision No. 8/2015), it having been dismissed by order dated 23.09.2015 which is assailed through petition at hand presented under Article 227 of the Constitution of India read with Section 482 Cr.P.C.

It is trite that conclusions or findings recorded in such proceedings as were brought before the court of Sub-Divisional Magistrate (Executive Magistrate) under Section 145 Cr.P.C. are with the object of bringing peace and tranquillity. The findings on facts, particularly about the possession or title to the land reached in such proceedings, even if affirmed in the revisional forum, can never be final, conclusive or binding between the parties, the rights of the parties on such issues being essentially a matter to be adjudicated upon by the civil court.

In view of the above, the learned counsel for the petitioner now submits that he may be permitted to withdraw the present petition, reserving the contentions of both sides as to the title or interest, inclusive of possession over the subject land to be agitated before and adjudicated upon by the civil court where the parties are locked in litigation.

The petition and the pending application are dismissed as withdrawn.

R.K.GAUBA, J

SEPTEMBER 06, 2018

nk