

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7188 of 2015**

**Along with**  
**Interlocutory Application No. 913 of 2018**

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Satyendra Singh son of Ram Lagan Singh Resident of Village- Paigambarpur,  
P.O. Korigaon, P.S. Goraul, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ganesh Singh
3. Umesh Singh Both sons of Ram Dayal Singh
4. Ramanand Singh son of late Bhadai Singh, All resident of Village-  
Paigambarpur, P.O. Korigaon, P.S. Goraul, District- Vaishali

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Chandra Verma with  
Laxshmi Kant Tiwary, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 15-04-2019**

Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner has moved the Court under Section 482  
of the Code of Criminal Procedure, 1973 (hereinafter referred to  
as the 'Code') for the following relief:



*“That, this is an application for quashing of order dated 1.12.2014 passed by Sub Divisional Magistrate, Mahua in Case No. 462 of 2014 by which the proceeding under section 145 has been dropped.”*

3. Learned counsel for the petitioner submitted that there is an erroneous reference, of there being no partition between the parties, as both the sides had admitted to a partition.

4. Be that as it may, the Court finds that no interference is required in the present case for the simple reason that the earlier order of the Sub Divisional Magistrate, Mahua under Section 146(1) of the Code has only been modified and order passed on a petition under Section 145(5) of the Code, by which attachment of the land in question has been withdrawn and the case closed. This does not preclude any side from approaching the appropriate forum, in accordance with law, for any apprehension of breach of peace, if such situation arises in future.

5. In view thereof, the application stands disposed off.

6. As Interlocutory Application No. 913 of 2018 had been filed for substitution of the sole petitioner, who has died; since the main application is being disposed off with the observation that if in future the need arises, the parties shall be at liberty to move before the appropriate authority for redressal of



their grievances, no order is required to be passed on the Interlocutory Application, which also stands disposed off.

7. Before parting, the Court would only observe that no observation made in the order impugned dated 01.12.2014 shall cause prejudice or disadvantage to any of the parties concerned.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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