

HIGH COURT OF CHHATTISGARH AT BILASPUR**Cr.M.P. No. 202 of 2015**

1. Mahmood Alam, S/o Shri Abdul Rajjak, aged about 60 years,
Occupation Labourer, R/o near Harsagar Pond, Ambikapur, District Sarguja (C.G.)
2. Mansoor Alam, aged about 56 years,
3. Mahboob Alam, aged about 52 years, both are resident of Kharsia Barrier Ambikapur, District Sarguja (C.G.)

---- Petitioners/Revisioner**Versus**

1. Sajid Nadim, S/o Jauwad
2. Amir, S/o Siddhi
3. Sharif @ Dholu

All are resident of village Parradand Ambikapur, District Sarguja (C.G.).....

---- Respondents/plaintiffs

For Petitioners : Mr. Sushil Dubey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/04/2019**

Heard.

(1) On the report of Station House Officer, Ambikapur, District Sarguja, proceedings under Section 145 of the Code of Criminal Procedure (henceforth "Cr.P.C.") were initiated against the parties herein. Thereafter, on 20.12.2011, learned Sub Divisional Magistrate, Ambikapur has closed the case as there is no dispute, which is likely to cause breach of peace regarding the suit land, which was affirmed by the revisional Court vide order dated 12.08.2014, against which instant petition under Section 482 of the Code of Criminal Procedure has been preferred.

(2) Learned counsel appearing for the petitioners would submit that both the courts below have erred in holding that there is no such dispute, which is likely to cause breach of peace regarding suit land, as such, order passed by both the courts below are liable to be set aside.

(3) I have heard learned counsel appearing for the petitioner and considered his submissions and went through the record with utmost circumspection.

(4) Learned Sub Divisional Magistrate has clearly recorded a finding that there is no dispute, which is likely to cause breach of peace regarding the suit land and, therefore, the said Magistrate declined to proceed under Section 145 of the Cr.P.C. against the parties and which has been affirmed for the revisional Court. Thus, I do not find it either perverse or contrary to the record warranting interference under Section 482 of the Code of Criminal Procedure. However, the petitioner is at liberty to proceed in accordance with law.

(5) With the aforesaid observations, the Cr.M.P. stands disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-