

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1164 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Wakil Prasad, Son of Jati Prasad, R/o Village- Lakari Tola Madhopur,
P.S.P.S.- Lakari Nabiganj Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nathu Prasad,
3. Jaglal Prasad, Both are sons of Mokhtar Prasad, All are resident of Village-
Lakari Tola Madhopur P.S.P.S.- Lakari Nabiganj Basantpur, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 12-12-2023 None appears on behalf of the petitioner.

However, learned Additional Public Prosecutor is present.

2. Since the criminal revision cannot be dismissed
for default and it is required to be disposed of on merit, I
have gone through the entire records.

3. The petitioner filed an application under Section
145 of the Code of Criminal Procedure before the learned
Executive Magistrate, Maharajganj in the district of Siwan,
which was registered as Miscellaneous Case No. 1354 of
2017. It is alleged in the said application that the petitioner
is a co-sharer in respect of a disputed plot along with



private opposite parties. There was a settlement amongst the predecessors-in-interest of the parties and on the basis of such settlement, the parties agreed to have one-third share each in the subject property. It is the allegation of the petitioner that the opposite parties in violation of the said written settlement has been trying to encroach and dispossess the petitioner. Therefore, the application under Section 145 Cr.P.C. has been filed.

4. The learned Executive Magistrate recorded the said fact and it also transpires from the impugned order that civil suits are pending between the parties over the said land. Therefore, he refused to pass any order in the said proceeding. Ultimately, the said proceeding was dropped, for which in the instant revision, the petitioner has filed a supplementary affidavit bringing notice of the said fact. Section 145 of the Code of Criminal Procedure deals with a temporary measure to prevent breach of peace where dispute concerning land or water is likely to cause breach of peace.

5. In the instant revision, it is clearly asserted that the dispute is between co-sharers in respect of the share in



the joint property which inherited from their predecessors-
in-interest.

6. Considering such fact, this Court finds that the
instant revision is devoid of any merit and Section 145 of
the Code of Criminal Procedure has no manner of
application in the dispute between the parties.

7. Accordingly, the instant criminal revision is
dismissed.

(Bibek Chaudhuri, J)

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