

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.36 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Bhojpur

RAM PRAVESH SINGH Son of Late Ram Sarupan Singh @ Swarupan Singh Resident of Village - and P.O. - Dadar, P.S.- Goh, Distt - Aurangabad at present resident of Village - Dhangai, P.O. - Keshari, P.S.- Dhangai, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Jee Tiwary Son of Late Belash Tiwary Resident of Village - Dhangai, P.O. - Keshari, P.S.- Dhangai, Distt - Bhojpur.
3. Abhiraj Tiwary Son of Late Belash Tiwary Resident of Village - Dhangai, P.O. - Keshari, P.S.- Dhangai, Distt - Bhojpur.
4. Ambika Tiwary Son of Late Jay Nandan Tiwary Resident of Village - Dhangai, P.O. - Keshari, P.S.- Dhangai, Distt - Bhojpur.
5. Akshaybat Tiwary @ Akshay Tiwary Son of Shiv Jee Tiwary Resident of Village - Dhangai, P.O. - Keshari, P.S.- Dhangai, Distt - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Choudhary, Adv.
For the State : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 09-02-2024 Having heard learned Advocate for the petitioner and on careful perusal of the impugned order dated 14th November, 2019, it appears to this Court that the petitioner is claiming ownership over the disputed plot of land, on the ground that out of 2.68 acres of land 1.31 acres of land was purchased by him in the name of his wife and the remaining part was owned by him by virtue of a deed of gift.

2. The case of the opposite parties, on the other



hand, is that they have purchased the entire subject land by a registered deed of sale and they are the owners of the property.

3. The Learned Magistrate in a proceeding under Section 145 of the Cr.P.C., which was registered as Miscellaneous Case No. 178 of 2013, Trial No. 04 of 2015, dismissed the said proceeding by an order dated 14th November, 2019, holding, *inter alia*, that the dispute between the parties relates to ownership and title of the land. Therefore, the efficacious relief lies in a suit in the civil court. Therefore, the Learned Magistrate refused to pass any order under Section 145 of the Cr.P.C.

4. Having considered the impugned order and upon hearing the learned Advocate for the petitioner and on perusal of the provision under Section 145 of the Cr.P.C. specially, Sub-Section (4) of Section 145 of the Cr.P.C., this Court disposes of the instant revision, directing both the parties to maintain status quo in respect of the possession of the property for a period of sixty days.

5. The parties are at liberty to file appropriate suit in the competent civil court and pray for order of injunction in order to protect their possession.



6. With the above direction, the instant revision is
disposed of.

(Bibek Chaudhuri, J)

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