

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30507 of 2018

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

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Rup Narayan Singh S/o Late Lalbabu Singh, R/o Vill.- Sargatiya, P.S.-
Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sub -Divisional Magistrate, Narkatiyaganj, West Champaran.
3. Anand Shrivastava, S/o Narendra Shrivastava, R/o Vill.- Sargatiya, P.S.-
Gopalpur, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-02-2024 1. Heard the learned counsel for the petitioner and the
learned APP Mr. Jharkhandi Upadhyay is present.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 07.01.2016 passed by the learned S.D.M.,
Narkatiyaganj, West Champaran in Case No.191/2014, whereby
application filed on behalf of the petitioner under Section 145(5)
Cr.P.C. has been rejected and the land in question has been
attached under section 146(1) Cr.P.C. and the officer-in-charge
of Gopal Police Station has been appointed as receiver.

3. The learned counsel for the petitioner submits that
an application for initiating a proceeding under section 144



Cr.P.C. was instituted by the S.D.J.M., Narkatiyaganj, based on police report dated 14.03.2014, which was initiated based on an application filed by the O.P. No.2 herein. It is next submitted that during pendency of the proceeding, the learned Court converted the proceeding under section 144 Cr.P.C. into a proceeding under Section 145 Cr.P.C. Thereafter petitioner filed an application under section 145(5) Cr.P.C. seeking to get the proceedings dropped on the ground that the land in dispute was purchased by him by a valid sale deed of 1973 and the land was mutated in his favour in the year 1975 and Jamabandi No. 285/1973 was created and thus the petitioner was in possession over the land in question for the last 40 years. The learned counsel at this stage submits that the petitioner would be satisfied in the event if the S.D.M., Narkatiyaganj, West Champaran is directed to dispose of the Case No. 191/2014 within a time frame.

4. The learned APP also does not dispute the submission made by the learned counsel for the petitioner.

5. In view of the submissions made by the learned counsel for the petitioner, the present quashing application is disposed of with a direction to the S.D.M., Narkatiyaganj, West Champaran to ensure that the Case No. 191/2014 is disposed of



within a period of nine months from the date of receipt/production of a copy of this order without giving undue adjournment to any of the parties.

(Satyavrat Verma, J)

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