

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31066 of 2018

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

Sakaldeo Singh Son of Late Raghunath Singh, Resident of Village- Chhitani
Dumari, P.O.- Ramnagar, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Surendra Singh.
3. Satyendra Singh.
Both sons of Late Raghunathpur Singh, Resident of Village- Chhitani
Dumari, P.O.- Ramnagar, P.S. Raghunathpur, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2024 1. Heard learned counsel for the petitioner, learned
APP along with learned counsel for the OP No. 2.

2. In the nature of the prayer made in the quashing
application, the court is not inclined to entertain the same, as the
court does not find any infirmity in the order impugned by
which the learned Vth Additional Sessions Judge, Siwan has set
aside the order dated 5-2-2011 passed by the SDM, Siwan in
connection with Case No. M427 of 2011, whereby proceeding
under section 145 Cr.P.C was initiated and the property in
dispute was attached under section 146(1) of the Cr.P.C as the
property in dispute in a proceeding under Section 145 Cr.P.C is



also a subject matter of Title Suit No. 14 of 2006, pending adjudication in the court of learned Sub Judge-I, Siwan, since the property in dispute is a subject matter of a civil proceeding as recorded hereinabove, as such, the petitioner could have moved before the civil court in the aforesaid title suit for seeking appropriate relief, but instead of resorting to relief from the learned civil court, the petitioner resorted to criminal proceedings, even the law is well settled that when a civil proceeding is going on, the criminal court should refrain from interfering.

3. Accordingly, the quashing application is dismissed.

(Satyavrat Verma, J)

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