HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 2277/2025
CNR: RJHC021083622025 | URN: CRLR / 3930U / 2025

1 Mooli Bai W/o Ravi Kant, R/o Jirod, Tehsil Atru, District Baran (Raj)

2 Pawan S/o Ravi Kant, R/o Jirod, Tehsil Atru, District Baran (Raj)

3 Dhara Singh S/o Ravi Kant, R/o Jirod, Tehsil Atru, District Baran (Raj)

4 Kamraj S/o Magan Lal (Deceased)

4.1 Laxmi W/o Late Kamraj, R/o Jirod, Tehsil Atru, District Baran (Raj)

5 Parvati W/o Magan Lal, R/o Jirod, Tehsil Atru, District Baran (Raj)

----Petitioners

Versus

1 State Of Rajasthan, Through S.H.O., Atru, District Baran (Raj), Through P.P.

2 Nirmal Kumar S/o Kastoor Chand, R/o Saharod, P.S. Atru, District Baran (Raj)

----Respondents

For Petitioner(s)	:	Mr. Raj Kamal Gaur, Mr. Pawan Sharma, Mr. V.K. Arya, Mr. Vishal Rai
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP, Dr. Mahesh Sharma with Mr. Ajay Kharbas

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HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Judgment

Date of conclusion of arguments **26/10/2026**
Date on which the judgment was reserved **26/10/2026**

Whether the full judgment or only the operative part is pronounced **Full Judgment**

Date of pronouncement **29/10/2026**

1. By way of the present criminal revision petition, the petitioners have assailed the order dated 11.11.2025 passed by the learned Additional District and Sessions Judge, Atru, District Baran (Raj.) in Criminal Revision No.11/2023[1](CIS No.11/2023), whereby the order dated 20.04.2023 passed by the Sub-Divisional Officer, Atru, District Baran[2] (Raj.) in proceedings under Sections 145 and 146 Code of Criminal Procedure, 1973[3] was set aside and a 'Receiver' was directed to be appointed in respect of the disputed property.

2. Briefly stated, the controversy arises out of a dispute between the parties concerning agricultural land situated at Village Jirod, Tehsil Atru, District Baran. The proceedings under Sections 145 and 146 Cr.P.C. were initiated in the backdrop of rival claims concerning possession over the disputed land and the apprehension of a breach of peace and the matter was considered by the SDO, Atru whereby, the proceedings were dismissed vide order dated 20.04.2023, upon arriving at the conclusion that the circumstances did not warrant intervention under the aforesaid provisions.

3. Aggrieved thereby, respondent No.2 preferred revision petition No.11/2023 before the learned Revisional Court and upon consideration of the material available on record and the circumstances surrounding the dispute, the learned Revisional Court, vide order dated 11.11.2025, allowed the revision petition

1 Hereinafter to be referred as 'Revisional Court'.
2 Hereinafter to be referred as 'SDO, Atru'.
3 Hereinafter to be referred as 'Cr.P.C'.

and set aside the order passed by the SDO, Atru and directed appointment of a 'Receiver' in respect of the disputed property.

4. Learned counsel for the petitioners contended that the order passed by the SDO, Atru was based upon a proper appreciation of the facts and circumstances of the case and that the learned Revisional Court failed to appreciate the nature of the dispute in its correct perspective. It was submitted that the petitioners have been in possession of the disputed land and that the proceedings between the parties concerning the property have continued for a considerable period and the material placed before the SDO, Atru did not justify the conclusion that there existed an imminent apprehension of breach of peace warranting appointment of a Receiver.

5. It was further contended that the Commission Report and other material available on record were required to be considered in the light of the actual possession of the parties and the history of the dispute exists between the parties. Learned counsel submitted that the learned Revisional Court exceeded the permissible scope of revisional jurisdiction in interfering with the order passed by the SDO, Atru. In this regard, reliance was placed upon the order passed by the Co-ordinate Bench of this Court in the case of **Ramji Ram v. State of Rajasthan & Anr**.[4] and **Munshi Ram v. State of Rajasthan**[5] to contend that the exercise of powers under Sections 145 and 146 Cr.P.C. and the appointment of a Receiver require the existence of circumstances satisfying the statutory requirements and cannot be sustained

4 S.B. Criminal Misc. Petition No.6804/2022, decided on 11.03.2025.
5 2024 SCC OnLine Raj 2917.

merely because a dispute concerning immovable property exists between the parties. Therefore, considering the aforesaid circumstances, the present petition may kindly be allowed and the order passed by the Revisional Court may be quashed and set aside.

6. Per contra, learned Public Prosecutor, assisted by learned counsel appearing for respondent No.2, opposed the revision petition and supported the impugned order. It was submitted that the dispute between the parties was not merely a question of long standing dispute over possession but concerned the prevailing circumstances and the possibility of confrontation over the disputed property. It was argued that the learned Revisional Court rightly interfered with the order passed by the SDO, Atru and that appointment of a Receiver was warranted to preserve the property and prevent a possible breach of peace, therefore, considering the aforesaid facts, the present revision petition deserves dismissal.

7. Heard learned counsel for the parties and perused the material available on record.

8. The principal question which arises for consideration of this Court is whether the learned Revisional Court was justified in setting aside the order dated 20.04.2023 passed by the S.D.O., Atru and directing appointment of a Receiver in respect of the disputed property.

9. It is to be noted that Sections 145 and 146 Cr.P.C. are preventive in nature and are intended to avert a breach of peace arising out of disputes concerning possession of immovable property. The object of these provisions is not to adjudicate upon

the rights, title or ownership of the parties but to prevent a breach of peace by taking appropriate measures in cases where a dispute regarding actual possession exists and the circumstances warrant such intervention. Furthermore, the mere pendency of civil or revenue proceedings does not by itself bar the initiation or continuation of proceedings under Sections 145 and 146 Cr.P.C., particularly where no effective interim protection has been granted by the competent court. However, the necessity of initiating such proceedings or attaching the disputed property and appointing a Receiver must be assessed in the light of the facts and circumstances of each case, including the nature of the dispute, the rival claims of possession and the material indicating an apprehension of breach of peace.

10. At this juncture, reference may be made to the judgment passed by the Hon'ble Apex Court in the case of **Amresh Tiwari v. Lalta Prasad Dubey**,[6] wherein it was observed as under:-

> "**14.** Reliance has been placed on the case of Jhummamal v. State of M.P. [(1988) 4 SCC 452 : 1988 SCC (Cri) 974] It is submitted that this authority lays down that merely because a civil suit is pending does not mean that proceedings under Section 145 of the Criminal Procedure Code should be set at naught. In our view this authority does not lay down any such broad proposition. In this case the proceedings under Section 145 of the Criminal Procedure Code had resulted in a concluded order. Thereafter the party, who had lost, filed civil proceedings. After filing the civil proceedings he prayed that the final order passed in the Section 145 proceedings be quashed. It is in that context that this Court held that merely because a civil suit had been filed did not mean that the concluded order under Section 145 of the Criminal Procedure Code should be quashed. This is entirely a different situation. In this case the civil suit had been filed

6 (2000) 4 SCC 440.

> first. An order of status quo had already been passed by the competent civil court. Thereafter Section 145 proceedings were commenced. No final order had been passed in the proceedings under Section 145. In our view on the facts of the present case the ratio laid down in Ram Sumer case [(1985) 1 SCC 427 : 1985 SCC (Cri) 98] fully applies. **We clarify that we are not stating that in every case where a civil suit is filed, Section 145 proceedings would never lie. It is only in cases where civil suit is for possession or for declaration of title in respect of the same property and where reliefs regarding protection of the property concerned can be applied for and granted by the civil court that proceedings under Section 145 should not be allowed to continue. This is because the civil court is competent to decide the question of title as well as possession between the parties and the orders of the civil court would be binding on the Magistrate**."
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> (Emphasis Supplied)

11. Although, in the aforesaid case, the Hon'ble Supreme Court allowed the appeal and restored the order discontinuing the proceedings under Section 145 Cr.P.C., in view of the pending civil suit concerning the same property and the interim order of status quo already granted by the Civil Court. However, the Court clarified that it was not laying down an absolute proposition that proceedings under Section 145 Cr.P.C. could never be initiated where a civil suit was pending. The judgment, therefore, underscores that the effect of pending civil litigation must be assessed in the factual context of each case. In the present case, no interim injunction or other effective protective order has been granted by the Revenue Court and the material on record, including the Commission Report and the earlier preventive proceedings, warrants an independent consideration of the necessity of preventive intervention.

12. Now, adverting to the factual aspects of the case, it transpires that the petitioners have primarily founded their claim on the alleged possession of the disputed property prior to the year 2021. However, such prior possession by itself cannot be regarded as conclusive during the subsequent period, particularly when the dispute between the parties continued and their rival claims remained unresolved. The question of possession is required to be examined with reference to the relevant period and in light of the subsequent developments and the material available on record.

13. Furthermore, the Commission Report and the other material available on record indicate that possession of the disputed land was not clearly established by the petitioners as the report submitted by the Halka Patwari and the Tehsildar, Atru, records the possibility of a dispute between the parties concerning possession. The revenue records also reflect the disputed land in the khatedari of respondent No.2 Nirmal Kumar, whereas the petitioners have failed to produce any evidence establishing their khatedari rights. Moreover, the record reveals an earlier incident of alleged forcible interference with the crop, followed by the initiation of preventive proceedings against the petitioners under Sections 107, 116(3) and 151 Cr.P.C. Thus, the Commission Report, read in conjunction with the other material available on record, indicates that the dispute concerning possession was continuing and that circumstances existed warranting preventive measures to preserve the disputed property and avert a breach of peace.

14. Moreover, in the instant case, no interim injunction or other effective protective order had been granted by the Revenue Court in favour of either party in respect of possession of the disputed property and in these facts and circumstances, mere pendency of the revenue proceedings cannot be construed as sufficient to negate the apprehension arising from the continuing dispute or to render preventive intervention impermissible.

15. As regards the judgments passed by the Co-ordinate Bench of this Court in **Ramji Ram** (supra) and **Munshi Ram** (supra), the proceedings under Sections 145 and 146 Cr.P.C. were quashed in the facts and circumstances of those cases, where the material on record was found insufficient to establish an imminent threat to public peace warranting attachment of the disputed property. However, in the present case, the rival claims of possession, the Commission Report and the other material available on record, when considered cumulatively, indicate a subsisting dispute concerning possession, coupled with circumstances warranting preventive intervention to preserve the disputed property and avert a likelihood of breach of peace and in this light, the abovementioned judgments are distinguishable on facts from the present case.

16. In these circumstances, the appointment of a Receiver was directed to preserve the disputed property and prevent either party from taking unilateral steps that could aggravate the dispute, without determining the title of the parties or finally adjudicating their respective rights concerning possession, which remain open for determination by the competent court.

17. In view of the foregoing discussion, this Court finds no illegality, perversity or jurisdictional error in the order dated 11.11.2025 passed by the learned Additional District and Sessions Judge, Atru, District Baran, warranting interference in exercise of the revisional jurisdiction of this Court.

18. Accordingly, the present criminal revision petition being devoid of merit is hereby dismissed.

19. The Receiver appointed by the Revisional Court shall act in accordance with the directions contained in the impugned order and applicable law, without prejudice to the rights and contentions of the parties before the competent civil or revenue court.

20. All pending application(s), if any, stand disposed of.

(PRAVEER BHATNAGAR),J

99/KESHAV GHIYA