

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2239/2024

1. Rekha W/o Rajpal, R/o Baghai, Tehsil And District Bharatpur.
2. Ramwati W/o Akhaysingh, R/o Baghai, Tehsil And District Bharatpur.

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. Kamal Singh S/o Shivcharan, R/o Baghai, Tehsil And District Bharatpur.
3. Samay Singh S/o Shivcharan, R/o Baghai, Tehsil And District Bharatpur.
4. Gajendra S/o Shivcharan, R/o Baghai, Tehsil And District Bharatpur.
5. Station House Officer, Police Station Chiksana, Bharatpur.

----Respondents

For Petitioner(s) : Mr. Rajeev Kumar Sogarwal

For Respondent(s) : Mr. Sher Singh Mahala, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN
Order

18/04/2024

Learned counsel for the petitioner submits that a complaint under Sections 145 and 146 (1) Cr.P.C. was filed by the respondent No.5 SHO PS Chiksana Bharatpur before SDO Bharatpur with the averments that there is dispute over the land Khasra No.379 Rakba 1 Hectare 45 Village Baghai, Tehsil Bharatpur and there is apprehension of quarrel between the parties. The SDO Bharatpur vide order dated 11.03.2024 appointed respondent No.5 SHO PS Chiksana as receiver of the land in question. It is submitted that against the order dated 11.03.2024, the respondent No.2 to 4 filed a revision before the learned Addl. Sessions Judge No.3, Bharatpur who vide order dated 01.04.2024 allowed the revision and set aside the order

dated 11.03.2024 passed by the SDO observing that civil suits are pending between the parties and therefore, proceedings under Section 145 and 146 (1) Cr.P.C is not tenable. Learned counsel for the petitioners submits that no civil suit is pending between the parties and a revenue suit is filed by respondent Nos. 2 to 4 in which the petitioners are not the party.

Matter requires consideration.

Issue notice to the respondents.

Learned State counsel accepts notice on behalf of respondent Nos.1 & 5. Copy of this petition has already been supplied in his office.

Thus, notice be issued to respondent Nos.2, 3 & 4 through both the processes. Rule is made returnable on 27.05.2024.

Meanwhile, the effect and operation of the impugned order dated 01.04.2024 passed by learned Additional Session Judge No.3, Bharatpur in Criminal Revision Petition No.15/2024 (CIS No.54/2024) shall remain stayed and it is hereby directed that the respondent No.5 SHO PS Chiksana shall take the possession of the land in dispute i.e., Khasra No.379 Rakba 1.45 Gram Baghai Tehsil Bharapur and the crop produced over it. The respondent No.5 shall initiate auctioning proceedings of the crop at the earliest and deposit the amount received from the auction of the crop with the SDO, Bharatpur.

(ANIL KUMAR UPMAN), J