

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 2564/2015

Ghasiram S/o Bodu Ram, R/o Sirohi, P.S. Neem Ka Thana,
District Sikar, Raj.

-----Petitioner

Versus

1. State of Rajasthan through PP
 2. Phoola S/o Sanwalram,
 3. Girdhari S/o Birbal,
 4. Anchi widow of Late Rajendra @ Raju,
 5. Gyarsi S/o Raju, minor through natural guardian his mother Anchi
 6. Niwas S/o Raju, minor through natural guardian his mother Anchi,
 7. Manohari widow of Mangat,
 8. Karnpal S/o Mangat,
 9. Balbir S/o Mangat,
- All R/o Navoda, Tan Ranasar, Tehsil Neem Ka Thana, District Sikar, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Rajneesh Gupta
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

29/04/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 27.04.2015, passed by Sub Divisional Magistrate, Neem Ka Thana, District Sikar, by which orders have been passed for appointing the Station House Officer, Police Station Neem Ka Thana as receiver of the subject land in dispute i.e. land bearing Khasra No.176, 177.

2. Against the aforesaid order, Criminal Revision Petition No.30/2015 was filed by the petitioner before the Court of Additional Sessions Judge, Neem Ka Thana, Sikar, however, the same was rejected vide impugned order dated 13.05.2015.

3. Learned counsel for the petitioner submits that civil dispute with regard to the subject land is pending between the parties and appropriate interim orders with regard to possession of the subject land have also been passed by the Concerned Court. Therefore, initiation of proceedings under Section 145 & 146 Cr.P.C. with regard to the same subject land is not tenable and inspite of the above, the order of appointment of receiver has been passed. Hence, under these circumstances, the order dated 27.04.2015 be quashed and set aside.

4. None has put in appearance on behalf of the respondent to oppose the prayer.

5. Heard and considered the submissions made at the Bar and perused the material available on record.

6. Perusal of the record indicates that on account of serious dispute with regard to possession of the subject land, a law and order issue came into picture and therefore, the proceeding under Sections 145 & 146 Cr.P.C. has been initiated by the Station House Officer, Police Station Neem Ka Thana, District Sikar, before the Court of Sub Divisional Officer in the year 2015 and the concerned Station House Officer was also appointed as receiver of the subject land vide the impugned order dated 27.04.2015. However, this Court passed an interim stay order dated 30.06.2015, directing the parties to maintain status quo. Without interfering in the merits of the matter and looking to the fact that the proceeding

under Section 145 Cr.P.C. is still lying pending before the Court of Sub Divisional Officer, this Court deems it just and proper to issue directions to the learned Sub Divisional Magistrate to conclude the enquiry pending, if any, expeditiously, as early as possible within a period of six months from the date of issuance of the certified copy of the order. Till disposal of the proceedings/enquiry by the learned Sub Divisional Officer, the interim order dated 30.06.2015 passed by this Court shall remain in effect.

7. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J