

Goverdhan Lal Vs. State and anr

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Court : Rajasthan Jodhpur

Decided On : Feb-05-2013

Appellant : Goverdhan Lal

Respondent : State and anr

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
ORDER Goverdhan Lal vs. The State of Raj. S.B. Criminal Revision Petition No. 368/2009 under Section 397 read with Section 401 Cr.P.C. against the order dated 24.3.2009 passed by learned Addl. Sessions Judge,Ratangarh in Criminal Revision No.16/2008. Date of Order :

5. 2.2013 PRESENT HON'BLE MR. ATUL KUMAR JAIN, J.

Mr. Vineet Jain for the petitioner. Mr. O.P.Singharia, Public Prosecutor for the State. Mr. B.S. Rathore for respondent no.2. BY THE COURT: I have heard learned Counsel Mr. Vineet Kothari for petitioner Goverdhan Lal and learned counsel Mr. B.S. Rathore for respondent n o.2. The learned counsel appearing on behalf of respondent no.2 has strongly opposed this revision petition at the admission stage only because he says that because of compromise between the parties, the petitioner Goverdhan Lal has already been acquitted on 18.5.2011 in Criminal Case No. 16/2007 and Balu Singh has also been acquitted in Criminal Case No. 14/2007 by the Judicial Magistrate, Sardarshahar District Churu. The 2 argument of respondent no.2 is to the effect that when both the parties have compromised in criminal cases and possession of the disputed property has

already been restored by the Additional Sessions Judge, Ratangarh District Churu in Criminal Revision No. 16/2008 by the order dated 24.3.2009, now there are no grounds for admission of this revision petition of petitioner Goverdhan Lal in these circumstances of the case. On the other hand, the learned counsel appearing on behalf of petitioner Goverdhan Lal has argued that in criminal cases, compromises have been filed by both the parties but that does not mean that in the matter of Section 145, Cr.P.C., the parties have compromised. In these circumstances, the revision petitioner wants that his revision petition be admitted for hearing. I have heard the arguments of both the sides. I have also perused the order dated 24.3.2009 passed by the Additional Sessions Judge, Ratangarh District Churu. There appears to be no apprehension of breach of peace regarding the disputed plot of land. It cannot be said that now any dispute exists which is likely to cause a breach of peace concerning the property mentioned in the revision petition. In these circumstances, there are no grounds for admission of the revision petition. 3 Hence the revision petition deserves to be dismissed at the admission stage itself which is hereby dismissed. Accordingly, the stay petition is also dismissed. (ATUL KUMAR JAIN),J.

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