

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(Cr.) No. 208 of 2023**

Md. Mubarak ..... Petitioner  
Versus  
The State of Jharkhand & Ors. .... Respondents

-----  
**CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

-----  
For the Petitioner : Mr. Awanish Ranjan Mishra, Advocate.  
For the State : Mr. Ashok Kumar, Sr. S.C.-I.  
-----

**06/ 24.08.2023** This petition has been filed for quashing of the order dated 27.01.2023, passed by the learned A.D.J.-I, Hazaribag, in Criminal Revision No. 33 of 2022, which was filed against the order dated 03.02.2022 passed in Case No. 03 of 2022 by the learned SDM, Sadar, Hazaribag.

2. Mr. Mishra, learned counsel appearing for the petitioner submits that a case for proceeding under Section 144 Cr.P.C. was filed by the petitioner, which was decided against the petitioner and against that order, criminal revision was also preferred, where the learned revisional court without hearing the petitioner has decided the said revision petition.

3. Mr. Yadav, learned counsel appearing for the State submits that a proceeding under Section 144 Cr.P.C. was decided by the learned SDM after hearing both the sides and the learned court after considering the report of the Probationer Deputy Collector has come to the conclusion that there is no apprehension of the breach of peace and thereafter the order has been passed. He further submits that the learned revisional court has dealt with the matter elaborately and heard the petitioner and thereafter passed the order.

4. In view of above submissions of the parties, the court finds that the learned SDM, Sadar, Hazaribag, in Case No. 03 of 2022 elaborately discussed the matter and he has recorded that the case is completely civil in nature involving intricacies of title, which is beyond the jurisdiction of that court. He has also looked into the report of the Probationer Deputy Collector and found that the contesting O.P. No. 2 Deepankar Gyan was never present at the alleged date of occurrence and the villagers residing there have shown ignorance about any apprehension of the breach of peace at his hand and further there was no chance of untoward happening in the locality and O.P. No. 2 has constructed a house and resides with his family members and the O.P. No. 2 resides at Delhi, where he is employed in Government service and regularly comes and

resides at Hazaribag and the petitioner after more than 20 years challenges the legitimacy and possession of the O.P. No. 2, which poses question on credibility of the allegation of the petitioner and considering all these aspects, and further the house was built over the land in proceeding by the O.P. No. 2, the learned SDM found that there is no apprehension of breach of peace. Thus, the court finds that the order of the learned SDM, Sadar, Hazaribag is in accordance with law. The court further finds that the revisional court has dealt with elaborately the contention of the petitioner and in para-5, it has been clearly stated that the petitioner while assailing the impugned order submitted and the grounds have also been discussed in the earlier paragraphs. As such, it cannot be said that without hearing the petitioner, the learned revisional court has passed the order.

5. The proceeding under Sections 144 and 145 Cr.P.C. are emergent in nature and if any emergent situation is there, that power can be invoked by the district administration. If such a situation is not there, the aforesaid orders are rightly passed. It is further well settled that if there is no injustice done, in the garb of Section 482 Cr.P.C. and under Article 226 of the Constitution of India, the second revision is not maintainable.

6. Accordingly, this petition is dismissed.

**(Sanjay Kumar Dwivedi, J.)**

*Amitesh/-*