

THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

Crl.M.C. No. 2 of 2023

Narayan Pradhan,
S/o Badri Nath Pradhan,
R/o Rungdung,
Rhenok, Sikkim,
Pin Code – 737133.

..... Petitioner

versus

1. The Sub-Divisional Magistrate,
Rongli, Pakyong District,
Sikkim,
Pin – 737101.

2. Mrs. Geeta Pradhan,
W/o Ganga Ram Rai,
Aged about 43 years,
R/o Namthang Palitam, Sikkim
Pin – 737132.

3. Mrs. Gayatri Pradhan,
W/o Moni Raj Pradhan,
Aged about 40 years,
R/o Rungdung, Rhenock, Sikkim
PIN-737133.

4. Mrs. Preeti Pradhan,
W/o Buntu Bhutia,
Aged about 37 years,
R/o Rumtek, Sikkim
PIN-737135.

..... Respondents

Petition under section 482 of the Code of Criminal Procedure, 1973

Appearance:

Mr. B. Sharma, Senior Advocate with Mr. B.N. Sharma, Advocate for the petitioner.

Mr. Thinlay Dorjee Bhutia, Additional Public Prosecutor for the respondent no.1.

Mr. K.T. Tamang, Advocate for the respondents no.2, 3 and 4.

ORDER (oral)

30th August, 2023

1. The present petition under section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) is for setting aside the order dated 31.3.2023 passed by the learned Sessions Judge (Special Division-I), Sikkim at Gangtok. The order dated 31.3.2023 was passed while examining a revision petition preferred against an order dated 21.2.2022 passed by the learned Sub-Divisional Magistrate, Rongli, Pakyong in exercise of the power under section 145 Cr.P.C.

2. By way of I.A. No. 1 of 2023, the respondents no. 2, 3 and 4 have placed several orders passed by the Court of the learned Civil Judge, Rongli Sub-Division. The same is allowed since the documents are relevant. These orders make it evident that the respondents have preferred a civil suit against the petitioner herein with regard to the same subject matter.

3. Mr. K.T. Tamang, learned counsel for the respondents no.2, 3 and 4, relies upon a judgment of the Supreme Court in ***Mohd. Abid and Ors. Vs. Ravi Naresh and Ors.***¹, which holds that once a Civil Court is seized of the matter, it goes without saying that the proceedings under section 145/146 Cr.P.C. cannot proceed and must come to an end.

¹ 2022 LiveLaw SC 921

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4. In view of the clear pronouncement of the Supreme Court, the proceedings under section 145 Cr.P.C. must necessarily come to an end. It is accordingly so ordered. The petition under section 482 Cr.P.C. is, therefore, rendered infructuous.

5. I.A. no.1 of 2023 also stands disposed of.

(Bhaskar Raj Pradhan)
Judge

Approved for reporting : **Yes/No**
Internet : **Yes/No**

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