

IN THE COURT OF CIVIL JUDGE (JR. DIV.) CUM JMFC, BENIPATTI (MADHUBANI)

Complaint Case No. 175/2024

S. No.	Date of order of proceeding	Order with signature of the Court	Office action taken
1.	2.	3.	4..
	24/07/2026	The case record is fixed for hearing on point of issuance of Summon against the accused persons. The complainant filed the instant complaint U/s, 341, 323, 379, 384, 386, 406, 420, 120B/34 IPC & 27 Arms Act against the 12 accused named in complaint petition. 1. The Complainant has avowed in the petition that on 09.05.2024 around 07.00 A.M, that offenders 1 to 12 had allegedly wrongfully had possession of his land, when he objected the same. He was subjected to fight. 2. It has asseverated in the petition that the said accused with common intention entered into their house with stick to beat him. They have also threatened and beaten him with fist and fight. 3. When the complainant has marked objection to the same, he was subjected to use of foul language and fight with the aforesaid offenders. 4. Looking in the Para 1 of the court question, it is deposed that the primary dispute is related to land between the parties. 5. Upon Perusal, it is evident that no enquiry witness appeared to depose or support the version of the complainant. Multiple opportunity is given to the complainant but no one appeared to sustain the allegation or establish prima facie case. 6. <i>Govind Prasad Kejriwal Vs. State of Bihar & Anr: [AIR 2020 SC 1079]</i> The apex court has observed that : <i>"It cannot be disputed that while holding the inquiry under Section 202 of CrPC, the Magistrate is required to take a broad view and a prima facie case. However, even while conducting/holding an inquiry under</i>	,

Section 202 of CrPC, the Magistrate is required to consider whether even a prima facie case is made out or not and whether the criminal proceedings initiated are an abuse of process of law or the Court or not and/or whether the dispute is purely of a civil nature or not and/or whether the civil dispute is tried to be given a colour of criminal dispute or not.

As observed hereinabove, the dispute between the parties can be said to be purely of a civil nature. Therefore, this is a fit case to quash and set aside the impugned criminal proceedings.’ Therefore, the underlying principle observed by the Hon’ble apex court is that filing a criminal complaint to settle civil disputes is nothing but an abuse of process of law and the Court.”

7. The Supreme Court in “**Debendra Nath Battacharya v. The State of West Bengal & Anr.**” (AIR 1958, CAL 559) held that “*if a bare perusal of complaint show that the essential ingredients of offence alleged are absent or, then these constitute sufficient ground to dismiss the complaint U/s 203 Cr.PC*”

8. With regard to procedural compliances, the complainant had not complied the requirements rendered under Paragraph nos.29 to 31 of the decision in the case of **Priyanka Srivastava & Anr. vs. State of U.P. & Ors.** [2015 AIR SCW 2075] read as under Para 29 “A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations take this route to harass their fellow citizens, efforts are to be made to scuttle and curb the same.

9. In the present case, the complainant had not produced any material by which any iota of hurt, theft could be established. The complainant had not described the description of the property which is been stolen. So, offence under section 341, 323, 379 and 504 are not made. As prima facie no material is placed or no witness is

		brought to support the case primarily. 10. With respect to the charge U/s 27 Arms Act, nothing cogent is brought by the complainant to prima facie assess that involment of arms could be assessed. In view of the above facts and circumstances, no prima facie case is made out and there is no sufficient material to proceed. Thus, the instant case is hereby dismissed in exercise of powers u/s 203 Crpc. O/c is hereby directed to consign the record to the record room. Manish Ranjan Civil Judge-cum-JMFC Benipatti (Madhubani)	
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