

IN THE COURT OF SHRI RAVI KUMAR BHASLAR, JMFC, NAGAR UNTARI,

Complaint Case No. 592/2025

Dinesh Kumar Prajapati

...Complainant

Versus

Jawahir Prajapati & Others ...

Accused persons

Sl. No.	Date of Order	Order along with signature	Remarks
1	2	3	4
	16.06.2026	Perused the complaint petition, solemn affirmation of the complainant and statements of enquiry witnesses E.W.-1 and E.W.-2. The case of the complainant, in brief, is that on 22.11.2025 and 23.11.2025, the accused persons formed an unlawful assembly, entered upon the agricultural land of the complainant, cut and removed the standing paddy crop worth approximately ₹1,00,000/-, and when objected, abused and assaulted him. On such allegation, the present complaint has been filed for the offences punishable under Sections 115(2), 303(2), 122(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. On solemn affirmation, the complainant has supported the allegations made in the complaint petition. The enquiry witnesses, namely Murari Sao (E.W.-1) and Virendra Prajapati (E.W.-2), have also supported the prosecution version regarding cutting and taking away of paddy crop and alleged assault. However, it has come in the evidence of the complainant himself that the accused persons also claim right over the disputed land. The enquiry witnesses have also admitted before the Court that the dispute between the parties is essentially related to the land. The materials available on record further reveal that prior to the alleged occurrence, a proceeding under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, being Misc. Case No. 865 of 2025, was initiated before the Sub-	

	Cont. 16.06.2026	Divisional Magistrate, Bansidhar Nagar, Garhwa in respect of the same land and both the parties were restrained from entering upon the disputed land. It also appears that a civil suit being O.S. No. 227 of 2019 relating to the same property is pending before the competent Civil Court. Thus, the admitted position is that there existed a long-standing dispute with respect to possession and enjoyment of the agricultural land. The allegation of cutting of crop has arisen in the background of such pre-existing land dispute. The materials placed by the complainant do not disclose any independent or unimpeachable circumstance to show that the accused persons, who also claim right over the land, had acted with the requisite criminal intention independent of the civil dispute. In view of the above facts and circumstances, this Court is of the considered opinion that the dispute between the parties is predominantly civil in nature and the criminal proceeding appears to have been initiated to give a criminal colour to a land dispute already pending before the competent Civil Court. Accordingly, no sufficient ground is found for proceeding against the accused persons under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the complaint petition is dismissed under Section 226 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Let the record be consigned to the record room. Pronounced in open Court. (Dictated) Sd/- Ravi Kumar Bhaskar JO Code-JH00668 JMFC, Nagar Untari.	
--	-----------------------------	--	--