



UPBJ010051752026

**In the Court of Sunil Kumar Singh-III, Special Judge, S.C./S.T.
(P.A.) Act, Bijnor.**

Crl. Misc Case No-344/2026

Bharti, age 29 years, D/O Jagdeesh, R/O Mohalla Jabtaganj, Kasba & Police Station
Najibabad, District Bijnor. _____ **Applicant**

Versus

1- Hina D/O Ikram

2- Ikram S/O Akhatar

3- Sonu S/O Shamshad

4- Nisar S/O Shamshad

All R/O Mohalla Jabtaganj, Kasba & Police Station Najibabad, District Bijnor.

_____ **Opposite Party**

U/S-173(4) B.N.S.S

P.S.-Najibabad, District- Bijnor.

Application No.- Ka-3

Affidavit No.- Kha-4

Application u/s 173(4) BNSS

1. The present application under Section 173(4) BNSS has been moved by the applicant seeking a direction for registration of an FIR and investigation against the proposed accused persons for offences punishable under Sections 191(2), 115(2), 352, 352(2) BNSS and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act. It is alleged that the applicant had advanced a sum of ₹3,00,000/- to opposite party no.1, which was not returned despite repeated demands. It is further alleged that on account of the said dispute, the proposed accused persons on dated 17-05-2026 at about 07:30 P.M.. She further alleged that during the course of the incident, the accused persons No 2 ro 4 misbehaved with the applicant and tore her clothes, abused, assaulted and humiliated the applicant by uttering caste-related remarks.

Police Report

2. A report was called for from the concerned police station. As per the police report, the dispute between the parties pertains to an alleged loan transaction of ₹3,00,000/- said to have been advanced by the applicant to opposite party no.1. The report further indicates that both sides have been at loggerheads regarding the repayment of the said amount. No F.I.R. was registered regarding the alleged incident and the dispute appears to have arisen out of the monetary transaction between the parties.

Heard and perused

3 I have considered the submissions and perused the material available on record.

Finding

4 From the averments made in the application itself, it is evident that the genesis of the dispute is the alleged advancement of ₹3,00,000/- by the applicant to opposite party no.1 and the subsequent non-payment thereof. The allegations of abuse and assault appear to have arisen in the backdrop of the said monetary dispute. Thus, the principal controversy between the parties relates to recovery of money allegedly due from opposite party no.1.

5 The Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, has held that where a dispute is predominantly civil in nature and criminal proceedings are sought to be initiated to exert pressure or give a criminal colour to a civil dispute, the criminal process should not be permitted to be abused. The material placed on record does not disclose sufficient grounds requiring a direction for registration of an FIR. Rather, the dispute appears to be essentially civil in nature for which appropriate civil remedies are available to the applicant.

6 Accordingly, this Court is of the considered view that no cognizance offence is made out and no ground exists for exercising powers under Section 173(4) BNSS.

Order

7. The application under Section 173(4) BNSS is devoid of merit and is hereby **rejected**.

Date: 05-06-2026

(Sunil Kumar Singh III)
Special Judge, S.C/S.T. (P.A.) Act,
Bijnor.
J.O. Code-U.P.-6076