

IN THE COURT OF ADDL. SESSIONS JUDGE, COURT NO. 1, MAU

Present : Baquar Shamim Rizvi (Higher Judicial Service)

Judicial Officer Code No. UP6398



UPMA010019422023

Criminal Revision No. 88 of 2023

Renu Chaurasiya aged about 55 years wife of Sri Bechu Chaurasiya

R/o Muhalla- Mata Pokhra, Kasba- Maunathbhanjan, PS – Kotwali, Distt. Mau.

--Revisionist

Versus

1. State of U.P.

2. Keshri Devi aged about 62 years wife of Sri Ramlagan S/o Baijnath

3. Kusum Singh aged about 55 years wife of Surya Kumar Singh

4. Vijay Bahadur Singh aged about 60 years son of late Vishvanath Singh

All R/o Muhalla- Dakshintola (Rajputana), Kasba- Maunathbhanjan, PS– Kotwali, Distt. Mau.

--Opposite Parties

JUDGMENT

1. Present criminal revision has been preferred against the impugned order dated 24.02.2023 passed by learned Chief Judicial Magistrate, Mau in Misc. Case No. 852 of 2022, titled as 'Ranu Chaurasiya Vs. Keshri Devi and Ors.'. By the impugned order, the learned Magistrate dismissed the application of the revisionist which was filed under Section 156(3) Cr.P.C.
2. The brief facts of the case are that the revisionist has filed application under Section 156(3) Cr.P.C. before the learned Magistrate with the contention that the applicant has purchased Arazi No. 405Mi. 28 Kadi in 2010 to Keshri Devi. In 2011, the applicant also purchased Arazi No. 405Mi. 37 Kadi and in 2012 Arasi No. 405Mi. 26.5Kadi to Keshri Devi. The applicant purchased all above lands through registered sale deed to Keshri Devi. The applicant got mutated her name in revenue records and thereafter started construction work over the land after getting pass the map through competent authority. When the applicant started slap/linter work over her construction, Opposite parties obstructed to do so. They prepared false documents of the land and told her that the seller of the land has wrongly sold the land. The seller has no right to sell the said lands. They also told that a civil suit between the co-sharers of the said lands is still pending before the High Court and the Court has ordered to maintain status quo over the lands. The applicant stated that the seller Keshri Devi has filed a civil suit No. 60/2022 Keshri Devi Vs. Renu Devi before the Court of Civil Judge (J.D.) Mau for the

cancellation of sale deed. On above grounds, the applicant prayed to lodge FIR.

3. The learned Magistrate found that the matter is related to civil dispute and initiating a criminal proceedings in this matter is an abuse of the legal process. While disclosing the above findings, the learned Magistrate dismissed the application of the revisionist while passing the impugned order.
4. The present criminal revision has been preferred by the revisionist/applicant primarily on the ground that the learned Magistrate has not applied his judicial mind while passing the impugned order. The learned Magistrate has not perused the application under Section 156(3) Cr.P.C. and passed the impugned order in a mechanical manner. The applicant stated about the facts of the case as mentioned in the application under Section 156(3) Cr.P.C. On the above averments, the revisionist prayed that the revision be allowed and the impugned order be set aside.
5. The learned Additional District Government Counsel (CrI.) submits that there is no illegality or irregularity in passing the impugned order, as the matter is related to civil dispute and no prima-facie criminal offence is made out. He prayed for dismissal of revision.
6. Heard the counsel for the revisionist and the learned Additional District Government Counsel (CrI.) and perused the record.
7. The learned Magistrate, on the basis of contents mentioned in the application, did not find any cognizable offence to be committed by the Opposite parties. The learned Magistrate found that the matter is related to civil nature and criminal proceedings in this matter is abuse of legal system. Stating the above mentioned facts, the learned Magistrate has dismissed the application under Section 156(3) Cr.P.C. of the revisionist. The present criminal revision was filed by the revisionist against the impugned order stating that the executer of sale deeds has wrongly sold the said land to the revisionist with intention to usurp her money. The allegations made by the revisionist relate to the false selling of land. It is evident that a remedy of civil proceeding i.e. cancellation of sale deed and recovery of money are also available to the revisionist. The real question arises that at the time of execution of sale deed, who was the owner of said land or whether the seller has right to sell the land, and the same can be proved by evidence. The said sale deeds are registered documents. Without adopting a civil process and without hearing both the parties with their respective evidences, it cannot be assumed that the said sale deeds have been fraudulently executed. If in the present case, passing an order for lodging of First Information Report would be like accepting that fraud has been committed. In such a situation the civil proceedings of cancellation of such agreement would be completely misused.

8. In the case of **The Commissioner of Police & Ors Vs Devender Anand & Ors** **Order dated August 8, 2019** it is observed that:-

‘Even considering the nature of allegations in the complaint, we are of the firm opinion that no case is made out for taking cognizance of the offence under Section 420/34 of IPC. The case involves a civil dispute and for settling a civil dispute, the criminal complaint has been filed, which is nothing but an abuse of the process of law.

9. In the case of **M/S Indian Oil Corporation Vs M/S Npc India Ltd. And Ors** **Order dated July 20, 2006**, the Honb’le Supreme Court has held that:-

‘That is to be seen if a matter, which is essentially of civil nature, has been given a cloak

of criminal offence. Criminal proceedings are not a short cut of other remedies available in law.’ The bench comprising of Justice H.K. Sema and Justice R V Raveendra while deciding an appeal filed by Indian Oil Corporation, challenging an order of the Madras High Court quashing criminal cases filed by it against NEPC India have sent out a clear warning that ‘Any effort to settle civil claims and disputes which does not encompass any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.’. Further, the bench has observed that ‘While no one with a legitimate cause or grievance should be prevented from seeking remedies in criminal law, a complainant who initiates or persists with a prosecution being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable at the end of such misconceived criminal proceedings.’

10. As far as the jurisdiction of revisional Court is concerned, in the case of **Amit Kapoor Vs. Ramesh Chander,(2012) 9 SCC 460(paras 12,13,18 & 20)**, Hon'ble Supreme Court has held as to when revisional jurisdiction U/s. 397 Cr.P.C. can be invoked, like where the decisions under challenge are grossly erroneous or there is no compliance with the provisions of law or the finding recorded is based on no evidence or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely etc. It has also been held that revisional jurisdiction of the higher Court is a very limited one and can not be exercised in a routine manner.
11. In the case of **State Farm Corpn. of India Ltd. vs. Nijjar Agro Foods Ltd. (2005) 12 SCC 502**, it has also been held by Hon'ble Apex Court that- a revisional Court has no jurisdiction to set aside the findings of facts recorded by the Magistrate and impose and substitute it's own findings. Section 397 to 401 of Cr.P.C. confer only limited power on revisional Court to the extent of satisfying the legality, propriety or regularity of the proceedings or orders of the lower Court and not to act like appellate court for other purposes including the recording of new findings of fact on fresh appraisal of evidence.
12. In the backdrop of above discussion and the principles laid down by Hon'ble Supreme Court in above case laws, this Court finds that the grounds for revision given by the revisionist have no force. The learned Court below has not committed any illegality, impropriety or irregularity in passing the impugned order. Therefore, revision is liable to be dismissed.

ORDER

The present criminal revision is **dismissed**. Impugned order dated 24.02.2023 passed by learned Chief Judicial Magistrate, Mau in Misc. Case No. 852 of 2022, titled as ‘Ranu Chaurasiya Vs. Keshri Devi and Ors.’ is, hereby, upheld and affirmed.

Consigned the records as per rules.

Dated: 06.07.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge
Court No. 1, Mau

Judgment Dated, signed and pronounced by me in the open Court today.

Dated: 06.07.2026

[Baquar Shamim Rizvi]

Addl. Sessions Judge
Court No. 1, Mau