



UPMZ010114642024

**COURT OF ADDITIONAL SESSIONS JUDGE, COURT NO. 4
Muzaffarnagar**

Present: Kanishk Kumar Singh, H.J.S ID: UP2676

Criminal Revision No. 459 of 2024

Babloo Kumar son of Jai Chand, resident of Chandasmand, P.S. Khatauli, District
Muzaffarnagar Revisionist

Versus

1. Pradeep Chaudhary S/o Jai Prakash, R/o House No. A 37 Devlok Colony,
Meerut, Post Sabun Godown Chandralok colony, P.S. Transport Nagar,
District Meerut.
2. Arvind S/o Ashok, R/o Shastri Nagar, Meerut, district Meerut.
3. Sanju Chaudhary W/o Arvind, R/o Meerut.
4. Babita W/o not known, R/o Meerut.
5. State of U.P.Respondents

Crl. Misc. Case No. 482/2024

P.S. Khatauli

District- Muzaffarnagar

JUDGEMENT

1. This Criminal Revision has been preferred against the impugned order dated 20.08.2024 passed by the Ld. Addl. Chief Judicial Magistrate, Court No.2, Muzaffar Nagar in Crl. Misc. Case No. 482 of 2024 titled as “Babloo Kumar Vs Pradeep Chaudhary & Ors.” whereby application U/Sec. 156 (3) Cr.P.C. filed by Babloo Kumar son of Jai Prakash, resident of Chandasmand, P.S. Khatauli, District Muzaffarnagar (hereinafter called revisionist), against (1) Pradeep Chaudhary S/o Jai Prakash, R/o House No. A 37 Devlok Colony, Meerut, Post Sabun Godam Chandra Lok

colony, P.S. Transport Nagar, District Meerut, (2) Arvind S/o Ashok, R/o Shastri Nagar, Meerut, (3) Sanju Chaudhary wife of Arvind, R/o Meerut and (4) Babita wife of not known, R/o Meerut—(hereinafter called Respondents No. 1 to 4 respectively) was dismissed.

2. No one has been appearing for the either side for several dates. Criminal revision can be heard and decided on merits even in the absence of parties.
3. The facts in brief are that on 08/04/2024 an application under section 156 (3) Cr.P.C. was moved by the revisionist against respondents No. 1 to 4 in the Court of C.J.M. Muzaffarnagar, alleging therein that the revisionist /complainant has been doing the work of generator repairing and decoration in Meerut. The revisionist was in need of a house in Meerut, in that regard he had a conversation with the dealer named Vinod, who organised a meeting between the revisionist and respondent No. 1 in Meerut. Respondent No. 1 told the revisionist that he is the owner of a house measuring 100 square yards with 2 rooms, latrine, staircase and a kitchen, and he intends to sell that house. The revisionist herein liked that house. At that time Respondent No.2 behnoi (brother-in-law) of Respondent No.1 was also present. An agreement to purchase the house through the dealer Vinod had been prepared on the stamp paper, and it was settled that the house would be sold for ₹ 14 lakh. The revisionist had paid ₹ 40,000/- and a cheque in the sum of ₹ 10,000/-in chief drawn upon State Bank of India was given on 19/08/2019, and got notarised the agreement. As per the terms of the agreement the sale deed was supposed to executed in 8 months and the remaining amount of ₹ 1,350,000/- was to be given at the time of execution of the sale deed. After a few days, Respondent No.1 had told that he was in urgent need of ₹ 50,000/-, on 13/03/2020 the revisionist had transferred ₹ 50,000/- through NIFT to the account of Respondent No.1, in that regard a memorandum containing terms and conditions was got prepared on 11/03/2020 on a stamp paper worth ₹ 50/- in the presence of the witnesses, and it was got notarised. Few days later, Respondent No.1 had again approached the revisionist and asked for ₹ 25,000/- and told him that he would be deducting the amount from the sale consideration. In this manner, respondent No.1 has fraudulently and dishonestly deceived the revisionist and wrongfully induced the

revisionist to hand over a sum of ₹ 1,25,000/- and has refused to execute the sale deed when it was due and had also threatened him. Respondent No. 1 had not returned the amount to the revisionist. It was further alleged that on 02/01/2024 at about 6 PM in the evening, Respondent No.1 Pradeep Chaudhary, his behnoi Arvind- Respondent No.2, Arvind's wife Sanju- Respondent No.3 and Babita Chaudhary-Respondent No.4 had arrived at the revisionist's village Chandasmand. The revisionist had served them tea etc, at his house. He told them that they had committed fraud upon him and he was having the documents regarding the monetary transaction, and despite that the respondents had executed the sale deed in favour of some other person. Hearing that, respondent No. 1 and 2 had entered the house of the revisionist and pinned the revisionist to the cot (charpai), thereafter Respondent No.1 Pradeep pulled out a country made pistol and put it on the head of the revisionist with the intention to kill him. Arvind had told Pradeep to kill the revisionist as he was bent upon taking legal action against them. The two females accompanying them viz. Sanju Chaudhary and Babita Chaudhary asked respondent No.1 and 2 to implicate the revisionist in a false case of committing their molestation. Hearing the commotion, revisionist's wife, brother and other people had gathered there, on which the accused persons had left extending threats.

4. The revisionist had submitted a written complaint at P.S. Khatauli but no action was taken despite being assured by the police. On 01/04/2024 the revisionist had sent a written complaint to the Sr. Superintendent of Police Muzaffarnagar, but even then, no action was taken. Hence, the revisionist had filed the application under section 156 (3) Cr.P.C. and prayed for the registration of F.I.R. against the respondent No. 1 to 4.
5. The Ld. Chief Judicial Magistrate got the case registered as a criminal miscellaneous case, and subsequently transferred it to the court of Addl. C.J.M., Court No. 2 for disposal. The Ld. Addl. C.J.M., Court No. 2, Muzaffarnagar vide impugned order dated 20/08/2024 dismissed the application holding that prima facie it was a civil dispute between the parties and if any payment of the revisionist was due and pending he should have initiated civil proceedings as prima facie remedy lies in the civil laws and the revisionist / complainant could have moved the civil

court for the cancellation of the sale deed which the Respondent No.1 had executed in favour someone else. Ld. Addl. C.J.M., Court No. 2, also held that there is no report on the judicial file regarding any assault or mar-peat and no medical report is on record. The revisionist had been trying to give colour of a criminal case to a civil dispute for the recovery of money. Consequently, aggrieved by the impugned order the revisionist has challenged the same by filing the present revision petition.

6. The grounds taken by the revisionist on which he has challenged the impugned order dated 20.08.2024 are that the impugned order is illegal and against the facts of the case. Ld. Trial Court had passed the impugned order which is improper and incorrect, and the Ld. Trial Court did not apply judicial mind while passing the impugned order. The revisionist has reiterated in his revision petition the averments of the complaint. The revisionist has prayed that the revision petition be allowed and the impugned order dated 20.08.2024 be set aside.
7. None appeared for the revisionist, and the respondent No. 1 to 4. The Ld. Addl. D.G.C. appearing for the State -Respondent No.5 argued that there is no infirmity or illegality in the impugned order and the Ld. Trial Court had rightly dismissed his complaint. The Ld. Addl. D.G.C. has also submitted that the present revision is a frivolous one and deserves to be dismissed as it is a civil matter.
8. I have heard the Ld. Addl.D.G.C. for the State-Respondent No.5 and have perused the impugned order and the trial Court record. I have also perused the report submitted by S.I. Jogindra Pal Singh of P.S. Khatauli in the Court. According to the police report the revisionist and the respondents were friends and were having family relations. As per the police report the revisionist could not purchase the property as he could not arrange the money for purchasing the house and the allegations regarding assault and extending of threats by the Respondents No.1 to 4 to the revisionist also could not be established. After having perused the police report and the documents available on record, I am of the considered view that the dispute between the revisionist and the Respondent No.1 is primarily a civil dispute between them because the Respondent No.1 had not repaid the money which he had taken from the revisionist, and recourse to set the

criminal law in motion to settle a dispute which is of civil nature by way of filing criminal complaint is not warranted and it would tantamount to the abuse of process of law which is impermissible.

9. After going through application under section 156 (3) Cr.P.C., or in case of a complaint case, the complaint and if required examining the complainant under section 200 Cr.P.C. and the witnesses under section 202 Cr.P.C. in the facts and circumstances of the particular case the Magistrate has to be simply satisfied whether a prima facie case has been made out and there are sufficient grounds for proceedings against the accused. If the allegations made in the complaint do not disclose any offence, and the dispute between the parties is of civil nature the Magistrate cannot summon the accused persons, likewise if the application does not disclose commission of any cognizable offence the Magistrate cannot direct investigation by the police.
10. In the present case, it has been rightly held by the Ld. Trial Court that the dispute between revisionist and the Respondent No.1, is a civil dispute which had occurred due to the non-payment of the money which the Respondent No. 1 had taken from the revisionist, and the complainant had filed the application with mala fide intention of abusing the process of law by giving it the colour of a criminal case. In the present case, complaint discloses that the dispute is of civil nature regarding sale-purchase of a house belonging to the Respondent No.1, and no criminal angle is involved therein. The revisionist has prima facie failed to establish the commission of any offence punishable under I.P.C. or any penal Act by the Respondent No.1. The reasoning given by the Ld. Trial Court in the impugned order on the basis of material on record does not call for any interference by this court. Even in the application under section 156 (3) Cr.P.C. it is mentioned by the revisionist that his money should be recovered and given to him.
11. **In Sharif Ahmed v. State of U.P. 2024 INSC 363 : 2024 AIR (Supreme Court) 2420 : 2024 Cri.L.J 2322 Hon'ble Supreme Court has held:**

“43. However, what is surprising and a matter of concern in the present case, is that the police had initially rightly not registered the FIR, which had prompted the complainant to approach the Court of Additional Chief Judicial Magistrate, Chandpur, Bijnor, Uttar Pradesh, alleging that he is an honest and respected person in the society and is well established in business, while the accused are fraudulent individuals. The

Additional Chief Judicial Magistrate had subsequently ordered for the FIR to be registered on the basis of the written complaint.

44. We would also like to emphasise on the need for a Magistrate to be cautious in examining whether the facts of the case disclose a civil or a criminal wrong. Attempts at initiating vexatious criminal proceedings should be thwarted early on, as a summoning order, or even a direction to register an FIR, has grave consequences for setting the criminal proceedings in motion.[27] Any effort to settle civil disputes and claims which do not involve any criminal offence, by way of applying pressure through criminal prosecution, should be deprecated and discouraged.[28]

[27] *Deepak Gaba and Others v. State of U.P. and Another*, (2023) 3 SCC 423.]

[28] *Indian Oil Corpn. v. NEPC India Ltd. and Others*, (2006) 6 SCC 736.]”

12. After having perused the grounds taken by the revisionist in the petition, the impugned order, and hearing the Ld. Addl. D.G.C. appearing for the State – Respondent No.5, I am of the considered view that there is no infirmity or illegality in the impugned order dated 20.08.2024 passed by the Ld. Addl. Chief Judicial Magistrate, Court No.2, Muzaffar Nagar in Crl. Misc. Case No. 482 of 2024 titled as “Babloo Kumar Vs Pradeep Chaudhary & Ors.” whereby application U/Sec. 156 (3) Cr.P.C. filed by the revisionist Babloo Kumar had been dismissed, since as per the police report the revisionist could not purchase the property as he could not arrange the money for purchasing the house and the allegations regarding assault and extending of threats by the Respondents No.1 to 4 to the revisionist also could not be established. On the basis of material available on record the dispute pertains to not returning of the money taken by the Respondent No.1 from the revisionist, thus the transaction between the revisionist and Respondent No. 1 pertains to a civil dispute, and commission of any criminal offence by respondent No.1 to 4 is not made out. In view of the above-mentioned reasons, I do not find any merit in the revision petition and the same deserves to be dismissed.

ORDER

In view of above discussion and reasons, the revision has no force and it is devoid of merits, accordingly, the revision is dismissed. Impugned order dated 20.08.2024 passed by the Ld. Addl. Chief Judicial Magistrate, Court No.2, Muzaffarnagar in Crl. Misc. Case No. 482/2024 titled as “Babloo Kumar Vs Pradeep Chaudhary & Ors.” whereby application U/Sec. 156 (3) Cr.P.C. filed by the

revisionist/complainant, against Respondents No. 1 to 4 was dismissed is hereby confirmed. Petition disposed of. Trial Court record be immediately sent back.

Date: 10/03/2026

(Kanishk Kumar Singh)

ID: UP2676

Additional Sessions Judge Court No.4

Muzaffarnagar

Judgement signed, dated and pronounced by me in the open court today.

Date: 10/03/2026

(Kanishk Kumar Singh)

ID: UP2676

Additional Sessions Judge Court No.4

Muzaffarnagar