

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1927 OF 2009

NARAYAN MUNI @ NARAYAN DAS ... APPELLANT(S)

VERSUS

MAHANT OM PRAKASH SHASTRI & ANR. ...RESPONDENT(S)

O R D E R

Challenging the order dated 14.03.2007 passed in Criminal Miscellaneous Application No. 940 of 2001 whereby the High Court of Uttaranchal at Nainital has quashed the F.I.R. registered under the alleged complaint made by the appellant-complaint as also the summoning order dated 17.05.1998 passed by the Chief Judicial Magistrate, Hardwar. The High Court held that the complaint lodged by the appellant relating to a dispute between the appellant and respondent No. 1 is purely a civil dispute between the parties.

The appellant has filed this appeal, there was no representation for the appellant.

We have heard learned counsel appearing for the respondents and perused the material placed on record.

By perusal of the impugned order, it is seen that the dispute between the appellant and respondent No. 1 is purely a civil dispute. The High Court was right in

observing that the dispute between the parties is of civil nature and, therefore, the criminal proceeding registered against the respondent No. 1 is liable to be quashed. In this regard learned counsel for the respondent has drawn our attention to the decision of this Court in Binod Kumar & Ors. vs. State of Bihar & Anr., (2014) 10 SCC 663 wherein this Court has observed that criminal proceedings are not a short cut for other remedies and civil liability cannot be converted to criminal liability.

We do not find any good reason to interfere with the impugned order challenged in this appeal. The appeal, being devoid of merits, is dismissed accordingly.

.....J.
(V. GOPALA GOWDA)

.....J.
(R. BANUMATHI)

NEW DELHI,
FEBRUARY 11, 2015

ITEM NO.8

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1927/2009

NARAYAN MUNI @ NARAYAN DAS

Appellant(s)

VERSUS

MAHANT OM PRAKASH SHASTRI & ANR.

Respondent(s)

(with office report)
(For Final Disposal)

Date : 11/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Rajesh, Adv. (Not Present)

For Respondent(s) Mr. Som Raj Choudhury, Adv.
RR-1 Mr. Abhishth Kumar, Adv.

RR-2 Mr. Abhishek Atrey, Adv.
Mr. Sumit Rajora, Adv.
Mr. Brijesh Panchal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(S. K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)