

(2007) 03 PAT CK 0015

In the Patna High Court

Case No : Criminal Miscellaneous No. 8585 of 2007

Lilawati Kunwar

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 30-03-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406

Citation : (2007) PLJR 656

Hon'ble Judges : Ghanshyam Prasad, J

Bench : Single Bench

Advocate : Pramod Kumar Sharma, for the Appellant; Gopesh Kumar, for the Respondent

Final Decision : Allowed

Judgement

Ghanshyam Prasad, J.—Heard. This application u/s 482 Cr.P.C. has been filed to quash the order of cognizance dated 7.10.2006 passed by S.D.J.M., Bikramganj in Karakat P.S. Case No. 143 of 2004, which is now pending in the court of Ramayan Ram, Judicial Magistrate 1st Class, Bikramganj thereby and there under the court below has taken cognizance u/s 406 I.P.C. against the petitioner.

2. The submission of the learned counsel for the petitioner is that no case of any criminal nature is made out on the basis of the allegation made in the complaint-cum-fardbeyan. The allegation in paragraph 6 of the complaint petitioner would go to show that the only allegation against this petitioner is that she took Rs. 40,000/- from brother of the complainant in the year 1999 and promises to transfer her land situated in Manidih. However, inspite of several reminders, neither the money was returned nor the land was transferred. It is further submitted that the allegation is purely of a civil nature and on this ground the petitioner also got bail by the Hon"ble Court vide Cr. Misc. No. 13216 of 2006.

3. Considered the submission of the learned counsel for the petitioner and also the allegation contained in paragraph 6 of the complaint petition. It appears that

the allegation comes purely in the nature of civil dispute. There is no ingredient of any criminal offence. This case has apparently been filed to harass the petitioner with ulterior motive. The complainant ought to have approached the Civil Court for redressal of his grievance. The criminal forum is not appropriate forum to settle the dispute of civil nature. This is a misuse of process of the court. Accordingly, this application is allowed and the impugned order of cognizance is hereby quashed.