



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.1104/2025

Sanjit Ram Singh Sawan,
Aged about 45 yrs, Occ. Business,
R/o Kodamendhi, Tehsil: Mouda,
District: Nagpur, Maharashtra

... APPLICANT

...VERSUS...

- 1) The State of Maharashtra,
Through P.S.O. of Police Station
Aroli, Dist. Nagpur
- 2) Parshuram Chhagan Singh Sengar
Aged about 60 years, Occ. Retired,
R/o Plot No. 528, Chatanis Nagar,
Nagpur

...NON-APPLICANTS

Shri S.S. Sitani, Advocate for applicant
Shri N.B. Jawade, APP for non-applicant No.1/State

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

RESERVED ON : 30.09.2025
PRONOUNCED ON : 09.10.2025

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for both the parties.

2. This is an application filed under Section 482 of the Criminal Procedure Code, for quashing the First Information Report bearing No. 0390/2023, dated 14.12.2023, registered by the non-applicant No.1, Police Station Aroli, District Nagpur, for the offence punishable under Section 143, 147 and 427, of the Indian Penal Code, against the applicant.

3. According to the prosecution, the First Information Report, which is lodged on 14.12.2023, by the non-applicant No.2, alleging therein that during an engagement function on his lawn on 04.12.2023, the applicant/accused Sanjit Sawan entered forcibly with 20 to 25 people and created disturbance in front of the said lawn. He further alleges that the applicant and other persons forcefully entered the lawn by hitting the watchman of the lawn by their four wheeler at the entrance. The non-applicant No. 2

requested the applicant to leave the premises, which was refused, as a result of which, the non-applicant No.2 had to lock the premises and complain to the police. It is further stated in the First Information Report that on the next day, i.e. on 05.12.2023, the applicant, along with 8 to 10 persons entered the lawn again and damaged a statue of 'Radha Krushna'. On the basis of these allegations, the First Information Report was lodged on 14.12.2023. It is this First Information Report which is challenged in the present application.

4. We have heard Shri S.S. Sitani, for the applicant, as also Shri N.B. Jawade, learned Additional Public Prosecutor for non-applicant No.1/State. The non-applicant No.2 has chosen not to appear in spite of service.

5. Shri S.S. Sitani, learned Counsel for the applicant, submits that there is a delay of 10 days and no plausible explanation has been given for such delay, which casts doubt about the genuineness and veracity of the said First Information Report. He further submits that there is no specific role attributed to the present

applicant, and only to give colour of criminality to a civil matter, the present First Information Report has been lodged.

6. On the other hand, the learned Additional Public Prosecutor vehemently opposes the contentions raised by the learned Counsel for the applicant and states that perusal of the First Information Report is good enough to make out an offence.

7. The First Information Report in question is lodged for an offence under Section 143, which speaks about unlawful assembly and Section 147, which speaks about rioting and Section 427, which speaks about mischief. As stated above, and a matter of fact, the alleged incident is of 04.12.2023, and the First Information is lodged on 14.12.2023. There is no explanation for the delay caused in lodging of the First Information Report.

8. Furthermore, as a matter of fact the applicant herein has filed a suit against the present non-applicant No.2, bearing Special Civil Suit No. 255/2023, in which, the applicant has specifically alleged that he is the lawful owner and in possession of Khasra No. 86, admeasuring 2.60 hectares, situated at Mouza Indora, Tah. Mouda,

District Nagpur. As can further be seen from the averments made in the plaint, the defendant i.e. non-applicant No.2 sold the said piece of land to the plaintiff in the suit i.e. the applicant herein, for a sum of Rs.25,00,000/-on 11.03.2022, by executing a registered sale deed_in that behalf. The plaint further shows that the applicant constructed a lawn over the said piece of land and has invested a huge amount therein. After completion of construction, the applicant has started a lawn, namely “Radha Krushna Celebration Hall and Lawn” therein, and is carrying on business from the same.

9. The adjoining land is owned and possessed by the non-applicant No.2, and looking to the fact that the business of the applicant is prospering, the non-applicant No.2 was pressurizing him to resell the land to him, to which, the applicant refused. We have also gone through the order passed by the learned Civil Judge Senior Division, Nagpur, on 03.01.2024, restraining the defendant from entering the suit property till the conclusion of the hearing of the application for temporary injunction. When inquired, the learned Counsel for the applicant states that the said order is still holding the field, and the application for temporary injunction has

not been heard as yet.

10. In view of these facts, it can be inferred that since the non-applicant No.2, was pressurizing the applicant, to resell the land in question, and as the applicant was not acceding to his request, the present First Information Report seems to be lodged.

11. Furthermore, there are allegations regarding the incidents dated 04.12.2023 and 05.12.2023. The allegations are lacking in material particulars, and no corroborative evidence has been placed on record to support the said allegations. In that view of the matter, we are of the considered opinion that the First Information Report in question is filed only as a result of a vindictive attitude and to somehow make the applicant succumb to the demand of the non-applicant No.2, for selling the property to him, and as a pressure tactics. In that view of the matter, we are of the opinion that no offence is made out against the present applicant and the dispute is essentially of civil nature. As held by the Hon'ble Supreme Court in the case of *A.M. Mohan Vs. State Represented By SHO and another*, (2024) 12 SCC 181, there is a growing tendency amongst the litigants to somehow give a criminality to an offence or an act

which is essentially civil in nature. The Hon'ble Supreme Court held as under :

“18. The law with regard to exercise of jurisdiction under Section 482 CrPC to quash complaints and criminal proceedings has been succinctly summarised by this Court in Indian Oil Corpn. v. NEPC India Ltd. after considering the earlier precedents. It will be apposite to refer to the following observations of this Court in the said case, which read thus : (SCC pp. 747-49, paras 12-14)

"12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few - Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre, State of Haryana v. Bhajan Lal, Rupan Deol Bajaj v. Kanwar Pal Singh Gill, CBI v. Duncans Agro Industries Ltd., State of Bihar v. Rajendra Agrawalla, Rajesh Bajaj v. State (NCT of Delhi, Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. 10, Hridaya Ranjan Prasad Verma v. State of Bihar, M. Krishnan v. Vijay Singh 12 and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque 13. The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the

complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.

13. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely

civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. In G. Sagar Suri v. State of U.P.¹⁴ this Court observed: (SCC p. 643, para 8)

8. ... It is to be seen if a matter, which is essentially of a civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

14. While no one with a legitimate cause or grievance should be prevented from seeking remedies available 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, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under Section 250 CrPC more frequently, where they discern malice or frivolousness or ulterior motives

on the part of the complainant. Be that as it may."

19. The Court has also noted in Indian Oil Corpn., the concern with regard to a growing tendency in business circles to convert purely civil disputes into criminal cases. The Court observed that this is obviously on account of a prevalent impression that civil law remedies are time-consuming and do not adequately protect the interests of lenders/creditors. The Court also recorded that there is an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. The Court, relying on the law laid down by it in G. Sagar Suri v. State of U.P.¹⁴ held that any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. The Court also observed that though no one with a legitimate cause or grievance should be prevented from seeking remedies available 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, in accordance with law."

12. We therefor, quash the First Information Report bearing No. 0390/2023, dated 14.12.2023, registered by the non-applicant No.1, Police Station Aroli, District Nagpur, for the offence punishable under Section 143, 147 and 427 of the Indian Penal Code. Accordingly, we proceed to pass following order :

ORDER

- i) The application is allowed.
- ii) The the First Information Report bearing No. 0390/2023, dated 14.12.2023, registered by the non-applicant No.1, Police Station Aroli, District Nagpur, for the offence punishable under Section 143, 147 and 427 of the Indian Penal Code, is hereby quashed and set aside against the present applicant.

13. The application is disposed of.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..