

# Filing Of Criminal Complaint For Settling Civil Dispute Is Abuse Of Process Of Law: SC [Read Judgment]

BY: LIVELAW NEWS NETWORK

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JUSTICE ARUN MISHRA



JUSTICE ABDOUL NAZEER



JUSTICE M.R SHAH

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The Supreme Court has observed that filing of criminal complaint for settling a dispute of civil nature is abuse of process of law.

The Three judge bench comprising of **Justice Arun Mishra, Justice S. Abdul Nazeer and Justice MR Shah** observed thus while setting aside a High Court order issuing directions in a writ petition filed by the complainant. (Commissioner of Police vs. Devender Anand)

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The case of the complainant was that he entered into agreement for sale for a property, which, he later realised, was mortgaged to a bank. It turned out that he himself paid the mortgage money and got the mortgage redeemed and thereafter, he got the sale deed executed in his name. Thereafter, he filed the complaint alleging cheating by the sellers, which got rejected by the Magistrate. Thereafter, he again filed a private complaint under Section 200 Cr.P.C. Again, during the pendency of this complaint, he filed a writ petition before the High Court, which it entertained and issued some directions.

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Referring to these facts, the bench observed that the criminal proceedings initiated by the complainant is nothing but an abuse of the process of law for settling a civil dispute. The bench said:

"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 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."

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The bench then quashed all the criminal proceedings in this matter. The initiation of the criminal proceedings by the original complainant is nothing but an abuse of the process of law, we not only quash and set aside the impugned judgment and order, but also quash the criminal proceedings pending before the learned Magistrate in respect of the transaction in question, the bench added.



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**NON-REPORTABLE**

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPEAL NO. 834 of 2017**

The Commissioner of Police & Ors. .. Appellants

Versus

Devender Anand & Ors. .. Respondents

**J U D G M E N T****M. R. Shah, J.**

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 13.01.2017 passed by the High Court of Delhi in Writ Petition (Crl.) No. 299 of 2016, the original respondents – appellants – Commissioner of Police and Others have preferred the present appeal.

2. That respondent No. 1, the original complainant entered

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into an agreement to sell in respect of house situated at WZ-



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