

Court No. - 93

Case :- CRIMINAL REVISION No. - 5874 of 2023

Revisionist :- Devendra Kumar Sharma

Opposite Party :- State Of U.P. And 3 Others

Counsel for Revisionist :- Khurshed Alam

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Heard Sri Kurhshed Alam, learned counsel for the petitioner and learned A.G.A. for the State respondents.

2. The instant revision under Section 397/401 Cr.P.C. has been filed challenging the impugned order dated 11.08.20023 whereby the Additional Chief Judicial Magistrate, Nagina, Bijnor has rejected the complaint case of the revisionist on the ground that *prima facie* there is no criminality involved in the instant case.

3. Learned counsel for the revisionist submits that his nephew was studying in J.K. Modern Academy, Nagina Road, Dhampur and after passing the School he applied for transfer certificate and other documents on which the opposite party no.4 asked him to deposit the balance fees of 4 Sessions and also threatened his nephew due to which the revisionist had filed a complaint case, which has been rejected by the Additional Chief Judicial Magistrate, Nagina, Bijnor vide impugned order dated 11.08.2023.

4. Learned counsel for the revisionist further submits that the learned court below ought to have recorded the statements of the witnesses under Section 202 Cr.P.C., instead of the learned Magistrate has passed the impugned order relying on the police report under Section 202 (1) Cr.P.C, which specifically reveals that no parties have produced documentary evidence with regard to deposit of fees.

5. Learned A.G.A. states that instead of depositing the balance fees, the revisionist just to put on undue pressure on the School to avoid paying the balance fee, had filed a false and frivolous complaint case. The Additional Chief Judicial Magistrate, Nagina, Bijnor, has rightly rejected the complaint case of the revisionist as there is no criminality involved in this case.

6. After hearing rival submissions and considering the material on record, this Court is of the view that since there is no criminality involved in this case and it is only a dispute of payment of fees, hence, the Additional Chief Judicial Magistrate, Nagina, Bijnor has rightly rejected the complaint case of the revisionist vide impugned order dated 11.08.2023.

7. I find no merit in the instant criminal revision, it is accordingly, ***dismissed***.

Order Date :- 17.11.2023

S.P.