

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

Cril.Petn. No. 54 of 2022

Salam Ongbi Ibeni Devi, aged about 52 years w/o late Salam Rashbihari Singh, a resident of Nachou Panthong Ward No. 6, P.O. & P.S. Bishnupur District, Manipur-795126.

..... Petitioner/s

- Versus -

1. The State of Manipur (represented by the Home Secretary, Government of Manipur), Old Secretariat, P.O. & P.S. - Imphal West, District – Imphal West, Manipur-795001.
2. The Officer-in-Charge, Bishnupur – P.S., P.O. – Bishnupur, District – Bishnupur, Manipur-795126.

.....Principal Respondent/s

3. Nongmeithem Nirmananda Singh, aged about 42 years, s/o late N. Balananda Singh, a resident of Nachou Awang Leikai, Ward No. 1, P.O. & P.S. Bishnupur, Bishnupur District, Manipur-795126

.....Proforma Respondent/s

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner	::	Mr. LN. Ngamba, Advocate.
For the respondent	::	Mr. S. Nepolean, Public Prosecutor & Mr. A. Bheigya, Jr. Govt. Advocate.
Date of hearing	::	20.08.2025
Date of order	::	05.12.2025

ORDER (CAV)

[1] Heard Mr. LN. Ngamba, learned counsel for the petitioner and Mr. S. Nepolean, learned PP assisted by Mr. A. Bheigya, learned Jr. G.A. for the State respondent. None appeared for the private respondent No. 3.

[2] By the present petition, the petitioner challenged the order dated 29.07.2022 passed by the Ld. Sessions Judge, Bishnupur in Cril.Misc.(AB) Case No. 21 of 2021 releasing the respondent No. 3 on anticipatory bail.

[3] The petitioner filed a complaint case being Cril. Misc. Case No. 22 of 2021 before the Court of Chief Judicial Magistrate (CJM), Bishnupur for taking cognizance against respondent No. 3 for the offences punishable under Sections 423/427/406/352/506 IPC. In the complaint case, it is alleged that the respondent No. 3 pressurised one Salam Rashbihari Singh (husband of the petitioner herein) to execute sale deed in respect of the homestead land under patta No. 63 (old) corresponding to New patta No. 189/1072 NT covered by C.S. Dag No. 217/890 measuring an area 0.20 acre out of 0.31 acres situated at village No. 41-Nachou, Bishnupur District and another agricultural land under patta No. 63 (old)/189(N) covered by C.S. Dag No. 216 and 217 measuring an area 0.12 acre out of 0.95 acre of Village No. 41- Nachou, Bisnupur District. It is stated that the sale deed was not executed at the free will by the original owner i.e. Salam Rashbihari.

[4] The Ld. CJM forwarded the complaint to the Officer-in-Charge, Bishnupur PS and accordingly, FIR No. 16(3) 2021 BPR-P.S. U/S 423/427/406/352/506 IPC was registered against respondent No. 3. The respondent No. 3 approached the Court of Ld. Sessions Judge, Bishnupur by way of anticipatory bail application being Cril.Misc.(AB) Case No. 21 of 2021 under Section 438 of the Cr.P.C. and interim bail was granted by the Ld. Sessions Judge, Bishnupur on 10.03.2021.

[5] It may be noted that the petitioner's husband earlier filed a suit being O.S. No. 6 of 2017 against respondent No. 3 as defendant in the Court of Civil Judge (Junior Division), Bishnupur praying for a suit for declaration and possession. The petitioner also filed an application being Judl.Misc. Case No. 29 of 2021 for delivery of possession of the suit land to the petitioner and also application for temporary injunction order under XXXIX CPC.

[6] The respondent No. 3 as defendant filed written statement-cum-counter claim in the suit filed by the petitioner's husband stating that the petitioner purchased two suit lands by registered sale deed and after that, his name was mutated in the revenue record on the basis of the registered sale deed.

[7] It may be noted that no interim relief was granted to the petitioner in the pending suit before the Civil Court. Thereafter, the petitioner filed criminal complaint against the respondent No.3 with respect to the same subject matter alleging that the same sale deeds were executed under duress and accordingly, FIR was registered.

[8] Vide order dated 29.07.2022 passed by the Ld. Sessions Judge, Bishnupur in Cril.Misc.(AB) Case No. 21 of 2021, the anticipatory bail was allowed subject to execution of PR bond of Rs. 40,000/- (Rupees forty thousand) with one surety each of like amount and with a direction to present before the I.O. of the case and give co-operation in investigation.

[9] In the impugned order, the Ld. Sessions Judge had recorded that the husband of the petitioner filed a suit being O.S. No. 6 of 2017 before the Court of Ld. Civil Judge, Bishnupur against respondent No. 3 for declaration of title under Section 34 of the Specific Relief Act with a consequential relief along with Judl.Misc. Case No. 8 of 2017 praying for temporary injunction against the defendant during the pendency of the suit.

[10] After the death of the husband of the petitioner, the petitioner and others are brought on record as legal heirs in the pending suit. During

the pendency of the suit, it is stated that the petitioner filed the present complaint and the complaint case was allegedly filed after no positive result was obtained in the civil case and with the sole objective of unnecessary harassing respondent No. 3. It is stated that the bail objection report was not submitted by the police and the petitioner was also allowed to be impleaded as party in the bail application. However, by the impugned order, the bail application was allowed.

[11] Mr. LN. Ngamba, learned counsel for the petitioner, submits that being aggrieved by the impugned order the present petition is preferred merely on the following grounds that (i) the Ld. Sessions Judge, Bishnupur has exercise jurisdiction without proper mind causing miscarriage of justice, (ii) the bail application was passed without filing of objection report by the police and (iii) the petitioner was not permitted to join in the proceeding of anticipatory bail. It is prayed that the impugned order be set aside.

[12] Mr. S. Nepolean, learned PP, submits that the bail objection report could not be filed before the Ld. Sessions Judge at the time of hearing. However, a copy of the bail application prepared by the I.O. at that time was handed over to this Court during the course of hearing and the same was taken on record. Learned PP submits that the two properties mentioned in the civil suit and in the FIR were allegedly transferred by the husband of the petitioner to respondent No. 3 by way of registered sale deed and the husband of the petitioner filed a suit for declaration and recovery of possession. After his demise, the petitioner and her sons were brought on record as plaintiffs in the pending suit and the complaint case has been filed during the pendency of the civil suit on the same ground as alleged in the criminal complaint. Learned PP fairly submits that the civil dispute and criminal case are with regard to the same subject matter and this Court may pass appropriate order after considering the materials on record.

[13] None appeared for respondent No. 3 during the course of hearing.

[14] This Court has perused the materials on record and the relevant law in this regard.

[15] It is seen that the two properties involved in the civil suit were allegedly transferred by the husband of the petitioner to respondent No. 3 by registered sale deed and the name of respondent No. 3 has been recorded in the revenue records in terms of the sale deed. The husband of the petitioner initiated the suit on the ground that it was not a proper sale but as a security for the money borrowed by him from respondent No. 3.

[16] Admittedly, no interim relief was obtained by the husband of the petitioner or his LRs in the pending suit. Thereafter, the petitioner filed complaint case before the Ld. CJM, Bishnupur and accordingly, the FIR case was registered. On mere perusal of the record, it is seen that the contentions both in the civil case as well as in the criminal case are similar, i.e., transfer of the land under duress with insufficient consideration.

[17] This Court is of the opinion that the present FIR is registered with respect to a civil dispute between the parties and the suit is pending before the civil court and a civil dispute has been given the colour of the criminal case. It is settled proposition of law that civil dispute cannot be camouflaged as a criminal case so as to pressurise the other party. This will be clear from the following decisions of the Hon'ble Supreme Court:

1. Anukul Singh vs. State of Uttar Pradesh & Ors.: 2025 SCC Online SC 2026

"17. This Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. In Indian Oil Corporation v. M/s. NEPC India Ltd.¹⁷, MANU/SC/3152/2006: (2006) 6 SCC 73, it was held that criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:

"9. 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 malafides/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 proceedings 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.

10. 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 break down 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."

2. Naresh Kumar & Ors. vs. The State of Karnataka & Ors.: 2024 SCC Online SC 268:

6. In the case of [Paramjeet Batra v. State of Uttarakhand](#) MANU/SC/1108/2012: (2013) 11 SCC 673, this Court recognized that although the inherent powers of a High Court under [Section 482](#) of the Code of Criminal Procedure should be exercised sparingly, yet the High Court must not hesitate in quashing such criminal proceedings which are essentially of a civil nature. This is what was held:

"12. While exercising its jurisdiction under [Section 482](#) of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court." (emphasis supplied) Relying upon the decision in [Paramjeet Batra](#) (supra), this Court in [Randheer Singh v. State of U.P.](#) (2021) 14 SCC 626, observed that

criminal proceedings cannot be taken recourse to as a weapon of harassment. In [Usha Chakraborty & Anr. v. State of West Bengal & Anr.](#) 2023 SCC OnLine SC 90, relying upon [Paramjeet Batra](#) (supra) it was again held that where a dispute which is essentially of a civil nature, is given a cloak of a criminal offence, then such disputes can be quashed, by exercising the inherent powers under [Section 482](#) of the Code of Criminal Procedure.”

[18] From the above Supreme Court judgments, it is clear that criminal proceedings should not be used as a shortcut for civil remedies.

[19] It is bright as sunshine that in the present case, a civil dispute has been painted as criminal case. In the circumstances, this Court does not find any merit in the case of the petitioner and does not see any infirmity in the impugned order dated 29.07.2022 passed by the Ld. Sessions Judge, Bishnupur in Cril.Misc.(AB) Case No. 21 of 2021 whereby allowing the application for anticipatory bail filed by respondent No. 3 herein.

[19] With this observation, the criminal petition is dismissed being devoid of merit. No cost.

[20] This Court does not express any opinion on the merit of the case both in civil and criminal proceedings pending before the trial courts. Anything observed in this order is confined for the purpose of deciding the present petition and trial courts shall not be influenced by such observations in any manner.

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JUDGE

Kh. Joshua Maring