

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3093 of 2024

Arising Out of PS. Case No.-1265 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Prashant Rajgarhia Son of Late Ajay Kumar Rajgarhia Resident of Lal Bazar,
Bettiah, PS-Bettiah Town, District-West Champaran at present R/o-B-
125/126, Central Park, GIDC Pandesara, PS-Pandesara, District-Surat
(Gujrat)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishnat Raj Son of Govind Prasad Rajgarhia R/o Rajgarhia Cold Storage
Guesh House, Station Road Bettiah, PS-Muffasil Bettiah, District-West
Champaran
3. Govind Prasad Rajgarhia Son of Late Surajmal Rajgarhia R/o Rajgarhia
Cold Storage Guesh House, Station Road Bettiah, PS-Muffasil Bettiah,
District-West Champaran
4. Birendra Kumar Srivastava Son of Late Saryug Prasad Resident of Supriya
Cinema Road Banuchhappar, Bettiah PS-Bettiah Mufassil District-West
Champaran
5. Punam Saraf Wife of Omprakash Saraf R/o Ward No.24 Church Road, Lal
Bazar Bettiah PS Bettiah Town District-West Champaran
6. Ravi Kumar Goyenka Son of Late Bhagwan Das Goyenka R/o Ward No.24
Church Road, Lal Bazar Bettiah, PS-Bettiah Town, District-West
Champaran
7. Sudha Goyenka Wife of Ravi Kumar Goyenka R/o Ward No.24 Church
Road, Lal Bazar Bettiah, PS-Bettiah Town, District-West Champaran
8. Atul Kumar Goyenka Son of Late Bhagwan Das Goeyanka R/o Ward No.24
Church Road, Lal Bazar Bettiah, PS-Bettiah Town, District-West
Champaran
9. Soni Goyenka Wife of Atul Kumar Goyenka R/o Ward No.24 Church Road,
Lal Bazar Bettiah, PS-Bettiah Town, District-West Champaran
10. Sanjay Kumar Goyenka Son of Late Bhagwan Das Goyenka R/o Ward
No.24 Church Road, Lal Bazar Bettiah, PO-Bettiah, PS-Bettiah Town,
District-West Champaran



11. Jyoti Goyenka Wife of Sanjay Kumar Goyenka R/o Ward No.24 Church Road, Lal Bazar Bettiah, PO-Bettiah, PS-Bettiah Town, District-West Champaran
12. Babia Sharma Wife of Dr. Shivshankar Kumar R/o-Vivekanand Colony, Railway Gumti Banchhappar, PO-Bettiah, PS-Bettiah Muffasil, District-West Champaran
13. Arun Kumar Ray Son of Late Brijkishor Ray R/o-Lohar Patti Ward No.01, PO-Bettiah, PS-Bettiah, Muffasil, District-West Champaran
14. Jaiprakash Gupta Son of Late Bhikhari Prasad Resident of Ward No.23 Azad Path, Kamalnath Nagar Bettiah, PO-Bettiah, PS-Bettiah Town District-West Champaran
15. Ashok Kumar Poddar Son of Late Radhakrishna Poddar R/o Ward No.24 Hajrimal Dharmshala Market, Lal Bazar Bettiah, PO-Bettiah, PS-Bettiah Nagar District-West Champaran
16. Brijkishor Nathani Son of Late Krishna Prasad Nathani R/o House No.126 Ambika Kha Mill, Near Syndicate Bank Kadipur, Gurgaon (Hariyana)
17. Bhawana Priya Wife of Jaiprakash Gupta R/o Ajad Path Gali Kamalanath Nagar Ward 23, PO-Bettiah, PS-Bettiah Town District-West Champaran
18. Sharda Devi W/o Kedar Prasad R/o-Ujjain Tola Shanti Nagar, PO-Bettiah, PS Bettiah Town, District-West Champaran
19. Omprakash Saraf Son of Late Viswanath Prasad Saraf R/o-Ward No.24 Church Road Lal Bazar Bettiah, PS Bettiah Town District-West Champaran
20. Chandramohan Ojha Son of Muktinath Ojha Resident of Lohiyariya Jado Chhappar, PO Lohiyriya PS Chanptia District-West Champaran
21. Amit Kumar Son of Late Maheshwar Prasad Ray Resident of Village Bilaspur PS-Ramnagar District-West Champaran, At present R/o R.Z. F 988/17 Upper Ground Floor, Raj Nagar-2, Palam Colony, Bagdola, West Delhi
22. Ruby Ray W/o Amit Kumar Ray Resident of Village Bilaspur PS-Ramnagar District-West Champaran, At present R/o R.Z. F 988/17 Upper Ground Floor, Raj Nagar-2, Palam Colony, Bagdola, West Delhi
23. Jitendra Kumar Son of Late Bharat Prasad Resident of Purani Gudri, PO Bettiah, PS Bettiah Town, District-West Champaran
24. Subhash Kumar Son of Ishwar Chandra Singh Resident of Hajma Tola, Banuchhappar PS Banuchhappar OP District-West Champaran



25. Dinesh Kumar Srivastava Son of Paras Prasad Srivastava Resident of Pipra PS Chanpitiya District-West Champaran
26. Baidhnath Singh District Sub-Registrar, Bettiah PO-Bettiah, PS-Bettiah Town, District-West Champaran
27. Jawahar Pandey, Clerk District Sub-Registrar Office Bettiah PO-Bettiah, PS-Bettiah Town, District-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
Mr. Rajesh Kumar, Advocate
For the State : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-08-2025

Heard Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of the petitioner and Dr. Ajeet Kumar, learned A.P.P. for the State.

2. The petitioner has sought quashing of the order dated 13.10.2023 passed in Complaint Case No. 1265(C) of 2021 by the learned ACJM-I, Bettiah, West Champaran, by which, complaint filed by the petitioner was dismissed under Section 203 of the Code of Criminal Procedure.

3. The petitioner had preferred protest petition before the learned Chief Judicial Magistrate, Bettiah, West Champaran, which was not entertained by the learned Chief Judicial Magistrate, considering the fact that final form with case diary shows that the matter relates to land dispute. The protest petition



was converted into a complaint case and record was transferred under Section 192(i) of the Code of Criminal Procedure, before the Court of learned A.C.J.M. 1, Bettiah for further enquiry as per the law. Learned A.C.J.M., 1, vide order dated 13.10.2023, after considering the entire facts as contained in the complaint, has arrived at conclusion that the matter relates to civil dispute relating to dispute between the parties with respect to certain land for which, there is agreement between the parties and on the basis of information on record, had dismissed the complaint case under Section 203 of the Cr.P.C.

4. The Apex Court has been of consistent view and has made caution to the learned District Courts, as well as, High Courts, particularly, High Court is required to sparingly exercise jurisdiction under Section 482 of the Cr.P.C.

5. Whether civil and criminal proceedings both can be maintained on the very same set of allegations *qua* the same person? The answer *stricto sensu*, is that there is no bar to simultaneous civil and criminal proceedings. If the element of criminality is there, a civil case can co-exist with a criminal case on the same facts. The fact that a civil remedy has already been availed of by a complainant, *ipso facto*, is not sufficient ground to quash an FIR, as pointed out.



6. The proposition has been considered by the Apex Court in the case of ***P. Swaroopa Rani vs. M. Hari Narayana @ Hari Babu*** reported in ***(2008) 5 SCC 765*** and ***Syed Askari Hadi Ali Augustine Imam v. State (Delhi Admn.)*** reported in ***(2009) 5 SCC 528***.

7. In the present case, the manner in which the complaint has been drawn against the petitioner in absence of any element of criminality no criminal case can be made out.

8. I don't find that the learned District Court has committed any error in rejecting the complaint of the petitioner in view of the fact that he has arrived to the finding that complaint don't disclose a criminal offence and I find that the said conclusion is supported by the law laid down by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand*** reported in ***(2013) 11 SCC 673***, in which, the Apex Court in paragraph no. 12 has held as follows:

"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."

9. Accordingly, I don't find to interfere with the order dated 13.10.2023 passed in Complaint Case No. 1265(C)/2021, CIS No. 1265/2021 (Prashant Rajgarhia vs. Nishant Raj & Ors.).

10. The petitioner, however, is at liberty to avail appropriate remedy in accordance with law.

11. The present application stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	A.F.R.
CAV DATE	N/A
Uploading Date	01.09.2025
Transmission Date	N/A

