

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 4 | Issue 3 [May, 2026] | Page 126 – 130

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IS A FINDING OF A CIVIL COURT BINDING ON A CRIMINAL COURT

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ABSTRACT

The paper explores overlapping civil & criminal jurisdictions, specifically focusing on quasi-criminal offences. According to the Realism School of Jurisprudence, judicial decisions are influenced by practical and social realities.

CHAPTER1: INTRODUCTION

1.1 OVERVIEW OF JURISDICTIONAL INDEPENDENCE

A landmark judgment, *M.S. Sherrif cases*², affirms that civil and criminal courts operate independently. Due to their different evidence standards, their decisions differ: civil cases generally involve damages or compensation, while criminal cases punish the offender on behalf of society. The nature of crime is different: civil cases involve private disputes over rights, money, or property, while criminal cases involve violations of public law and are prosecuted by the government.

1.2 STATUTORY FRAMEWORK

“Section 9” of the Indian CPC, 1908” gives the jurisdiction of civil court to proceed with civil matters³, whereas Chapter II (sections 6 to 20), *Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023, structure and power of the criminal court⁴.

1.3 QUASI-CRIMINAL OFFENSES

Quasi- criminal offenses blur these lines, attracting remedies in both forms.

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² *M.S. Sheriff v. State of Madras*, (1954) 1 SCC 524.

³ The Code of Civil Procedure, No. 5 of 1908, § 9, INDIA CODE.

⁴ *Bharatiya Nagarik Suraksha Sanhita*, 2023, §§ 6–20.

- Defamation: Tort (civil) and criminal under (BNS § 356)⁵.
- Trespass: Tort and criminal under (BNS § 329)⁶.
- Cheating/ Breach of Contract: Civil (Contract Act), while criminal in fraudulent (BNS § 316-318)⁷.
- Dishonour of Cheque: Quasi-criminal under Negotiable Instruments Act (§ 138)⁸.
- Tax Evasion: Civil debt, escalating to criminal fraud.
- Traffic Violations: Driving Under the Influence (DUI), regulatory with imprisonment risk⁹.
- Environmental Laws: Fines and penalties for non-compliance.
- Negligent Death: Civil negligence; criminal under (BNS § 106)¹⁰.

CAN A PENDING CIVIL SUIT BAR CRIMINAL PROCEEDINGS ON THE SAME FACTS?

No, ruled justice “Vikram Nath and Justice Prasanna B. Varale”, laid down the law in unambiguous terms: Criminal proceedings can’t be quashed merely because of a pending civil case on the same subject matter. This judgment is a rule that in Quasi-criminal cases, the victim or plaintiff has the right to seek civil court and criminal court.

CHAPTER 2: EVOLUTION OF JUDICIAL PRECEDENTS

2.1 HISTORICAL PERSPECTIVES

Karam Chand Ganga Prasad v. UOI¹¹, (SCC p. 695, para 4), held that the decision of the civil court is binding of the criminal court, notwithstanding “converse is not true”. Another case is Kamaladevi Agrawal v. State of W.B¹², in this case criminal proceedings were instituted on a complaint, and the Magistrate issued process after examining the complainant and witnesses, the handwriting was examined by a handwriting expert. The issue before the court was whether criminal proceedings could be quashed just because civil suit is pending before the High court. Justice M.B. Shah and R.P Sethi

⁵ Bharatiya Nyaya Sanhita, 2023, § 356, No. 45, Acts of Parliament, 2023 (India).

⁶ Id. § 329.

⁷ Id. § (316-318).

⁸ The Negotiable Instruments Act, 1881, § 138, No. 26, Acts of Parliament, 1881 (India).

⁹ The Motor Vehicles Act, 1988, § 185, No. 59, Acts of Parliament, 1988 (India).

¹⁰ : Bharatiya Nyaya Sanhita, 2023, § 106, No. 45, Acts of Parliament, 2023 (India).

¹¹ Karam Chand Ganga Prasad v. Union of India, (1970), 3 SCC 694.

¹² Kamaladevi Agrawal v. State of West Bengal and ors. (2001) INSC 517.

held that criminal proceedings can't be quashed merely because a civil case is pending regarding the same dispute. The Supreme Court set aside the High Court order, which had quashed the criminal proceedings and directed the Magistrate to continue the case.

2.2 THE GENERAL RULE OF MAINTAINABILITY

“K.G. Premshankar v. State of Kerala”¹³, the Supreme Court of India ruled that simultaneous civil and criminal proceedings are generally maintainable and a civil court verdict doesn't automatically supersede ongoing criminal proceedings.

1. No Hard and Fast Rule
2. Admissibility of Previous Judgments
3. Limited Exceptions

2.3 THE CONSTITUTION BENCH CLARITY

The issue has been laid to rest by a Constitution Bench of this Court in “Iqbal Singh Marwah¹⁴ (2005). In civil cases, the standard is preponderance of the evidence, whereas in criminal cases, the burden lies with the prosecution, and proof beyond a reasonable doubt must be established. There is neither any statutory provisions nor any legal principles that are recorded in one proceeding that may be treated as final or binding in the other; both cases are decided based on the evidence.

KEY LEGAL PRINCIPLES

1. Standard of Proof: Civil law functions on the “preponderance of probability”, while criminal law requires “proof beyond a reasonable doubt”.
2. Independence of Proceedings: civil courts are not binding on a criminal court, and vice versa.
3. Statutory Silence: There is no provision in the Code of Criminal Procedure (CrPC) or the Indian Evidence Act that judgments of one jurisdiction are to be treated as “res judicata”.

2.4 PROPERTY DISPUTES

In the case of Rajesh Lamba v. State of Haryana¹⁵, the fact of the case, the respondent lodged an FIR alleging trespass, and proceedings under Sections 145 and 146 CrPC were initiated under Sections 145

¹³ K.G Premshankar v. State of Kerala, (2002) 8 SCC 87.

¹⁴ Iqbal Singh Marwah v. Meenakshi Marwah, (2005) 4 SCC 370.

¹⁵ Rajesh Lamba v. State of Haryana, (2007) 12 P&H 0054.

and 146 CrPC 1973, trespassing, and claiming possession over the property. Petitioners claimed to be the owners of land. Petitioners filed suit for ownership and possession of said land before the Civil Court. During the pendency of criminal proceedings, the status quo in regard to possession of land in dispute was also ordered by the civil court. The petitioners challenged the criminal proceedings; a civil suit had already been filed earlier, a civil suit in the first instance, also order of the civil suit had been passed, arguing that the matter was already pending before the Civil Court. The court held that proceedings under sections 145 and 146 CrPC, initiated at the instance of respondents concerning a property dispute, are quashed.

CHAPTER 3: RECENT LANDMARK RULING: PREM RAJ V. POONAMMA MENON

3.1 CONTEXT OF THE RULING

The recent cases include Prem Raj¹⁶ cases and cheque bounce cases. Section 138 of the NI Act¹⁷. In India, a cheque bounce case is a “quasi-criminal” offense.

Criminal side: You can go to jail if the cheque was for a “legally enforceable debt”.

Civil side: A court decides if you actually owe the money or if the contract is valid.

Historically, these two stayed in their own lanes. Prem Raj¹⁸ changed that.

Example: Person A (Creditor) claims Person B (Debtor) owes them ₹10 lakhs for a business deal. Person A has a cheque from Person B for ₹10 Lakhs. The cheque bounces. Person A files a criminal case (section 138 NI Act)¹⁹.

3.2 FACTUAL MATRIX OF THE CASE

Prem Raj²⁰ borrowed Rs. 2,00,000 from the complainant and gave a cheque dated 30 June 2002 for that amount. When the cheque was sent for encashment, it was dishonoured because of insufficient funds and stop-payment instructions. After that, the complainant filed a criminal case under “Section 138 of the Negotiable Instruments Act” for cheque dishonour. At the same time, Prem Raj had already

¹⁶ Prem Raj v. Poonamma Menon and Anr. (2024) OnLine SCC 483.

¹⁷ The Negotiable Instruments Act, 1881, § 138, No. 26, Acts of Parliament, 1881 (India).

¹⁸ Prem Raj, (2024) SCC OnLine 483.

¹⁹ Negotiable Instruments Act, § 138.

²⁰ Prem Raj, (2024) SCC OnLine SC 483.

filed a civil suit seeking a declaration that the cheque was only a security cheque and to restrain the other side from encashing it. The civil court accepted his case and declared the cheque to be a security cheque, and the appeal against that decision was also dismissed. But the criminal court still convicted him and gave one year's simple imprisonment and compensation of Rs. 2 lakhs, which was later upheld by the High Court.

3.3 THE SUPREME COURT'S VERDICT

The Supreme Court addressed the critical issue of whether a criminal court is bound by the findings of a civil court regarding the same transaction. The judgment, delivered by Justice Sanjay Karol and Aravind Kumar, concludes that while there is no statutory rule giving automatic primacy to civil proceedings, a criminal court cannot ignore a civil decree that fundamentally alters the legal basis of the dispute. Specifically, the Court relied on the principle that findings in a civil jurisdiction are relevant for the limited purposes of determining sentences and damages. In this specific instance, a civil court had already issued a decree declaring that the cheque in question was issued only as "security" and not for the discharge of a legally enforceable debt. Despite this, the criminal courts had concurrently convicted the appellant under "Section 138 of the Negotiable Instruments Act". The Supreme Court observed that since the civil court had already legally defined the nature of the cheque, the criminal court was bound by that finding. Consequently, the Court held that the criminal proceedings were "unsustainable in law," quashed the conviction, and ordered the return of damages to the appellant. This conclusion effectively establishes that where a civil decree settles the character of a financial instrument, it indirectly acts as a binding constraint on criminal liability for the same instrument.

CONCLUSION

There is no rigid legal principle mandating that civil and criminal proceedings must be concluded together. In general, both jurisdictions may operate simultaneously, and the pendency of a civil suit before the High Court or Supreme Court does not bar Magistrates from proceedings criminal matters. Nevertheless, criminal proceeding may be quashed where the dispute is purely civil in nature and lacks any criminal element.

Except for certain judicially evolved exceptions, there is no general statutory provision or legal doctrine that interlinks these two jurisdictions.