

Can Section 156(3) CrPC be used when a civil lawsuit fails to provide the desired results?
Notice From The Supreme Court In An SLP

Can a person employ Section 156(3) of the Cr.P.C. in a dispute that is fundamentally of a civil nature after failing to get the desired remedy through a civil suit? The Supreme Court has given notice in a Special Leave Petition that addresses this issue. [*Usha Chakraborty vs State of West Bengal*]

Following a Magistrate's decision under Section 156(3) CrPC, a FIR was filed in this matter against the accused under Sections 323, 384, 406, 423, 467, 468, 420, and 120B of the Indian Penal Code.

The accused argued before the Calcutta HC that the claims stated in the application under Section 156(3) CrPC do not establish any offence against them. According to a claim made, a furious civil court litigant who lost their case contacted the criminal court, and the criminal investigation, which has already started, is intended to strangle them. The High Court denied the petition, noting that the evidence previously gathered by the Investigating Agency supported an inquiry at least on the surface. The court ruled that it must be determined at the conclusion of the inquiry if the same would constitute an offence.

One of the defendants went to the Apex Court to protest this ruling. It was argued that the conflict is primarily of a civil character, for which the petitioner under Section 156(3) CrPC brought a civil suit but afterwards claimed Section 156(3) CrPC after failing to obtain the desired remedy.

The bench made up of Justices Surya Kant and JB Pardiwala issued a notice while also delaying further action in the FIR filed against the accused.

Keywords- Section 156(3), Cr.P.C., Investigating Agency