

## **Combined Civil and Criminal cases maintainable**

The Supreme Court recently held that a complaint alleging both civil wrong and a criminal offence is maintainable in a court of law. The Court observed "It is settled law that facts may give rise to a civil claim and also amount to an offence. Merely because a civil claim is maintainable it does not mean that the criminal complaint cannot be maintained."

The Court's observations followed an appeal by Lalmuni Devi against a Patna High Court order quashing her complaint. The High Court held that since the complaint disclosed a civil wrong, initiating criminal prosecution would be an abuse of the legal process. The appellant's complaint alleged that some persons had fraudulently got her father to execute a gift deed. After an inquiry, the Magistrate dismissed the complaint. On appeal, the Sessions Court, however, remanded the matter back to the Magistrate. Taking cognizance of the complaint, the Magistrate then summoned the accused named in the complaint. Aggrieved by the order, the accused challenged the Magistrate's order in the High Court that quashed the complaint.