

**IN THE COURT OF DISTRICT JUDICIAL MOBILE MAGISTRATE (T)
UDHAMPUR**

File No: 68/Complaint
CNR No: JKUD030012472025
D.O.Institution: 18.03.2026
Date of Order: 03.06.2026

Sita Ram Dass Guru Awadh Bihari Dass R/o Narsing Mandir Rupaheli
District Bhilwara, Rajasthan.

.....Complainant

Through: Mr. Sanjeet Kumar Bavoria, Advocate
Versus

1. Bishan Dass S/o Chuni Lal R/o Jakkhad, Tikri.
2. Prabhu Dayal S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
3. Hans Raj S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
4. Raj Kumar S/o Hans Raj R/o Udhampur.
5. Badrinath S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
6. Bupinder S/o Hans Raj R/o Udhampur.
7. Shiv Kumar S/o Kishan Chand R/o Jakkhad, Tikri.
8. Pandit of hawan on 24, 25, 26 June, 2017.
9. Unknown (Gopal) S/o Badrinath S/o Mast Ram R/o Udhampur.

.....Proposed Accused Persons

Through: Mr. Yog Raj Sharma, Advocate for no. 1, 2, 3, 5, 6, 7 & 9

IN THE MATTER OF: - Criminal complaint under Sections 318, 196
(295A, 225 & 298 IPC), 211, 196(2), 212, 248,
356(1)(2), 85 BNS.

CORAM: RISHABH KOUSHAL (JK00309)

ORDER
(03.06.2026)

1. Complainant and proposed accused persons 1, 2, 5, 6, 7 & 9 are present in person. Heard learned counsel for the complainant and learned counsel for the proposed accused no. 1, 2, 3, 5, 6, 7 & 9 on cognizance.
2. When confronted with the maintainability qua bar of limitation with respect to present complaint, learned counsel for the complainant Mr. Sanjeet Bavoria tries to escape the query of the Court by

seeking time to amend the complaint. It is pertinent to mention that there is no date of occurrence mentioned in the complaint though, he has stated in his examination on oath that alleged occurrence is of June 2017. Learned counsel for the complainant has vehemently argued that offences under Sections 295-A and 298 IPC are made out against the proposed accused persons. For the sake of argument, if the submission of the counsel for the complainant is accepted to be true, the same is hit by Section 468 CrPC as it explicitly bars the Court to take cognizance beyond the limitation period. Section 468(2) (c) CrPC in clear terms provides that the limitation period for taking a cognizance of an offence carrying punishment exceeding 01 year but not exceeding 03 years is **“three years”**. Admittedly, offences under Section 295-A carry punishment upto *03 years* and under Section 298 IPC carries punishment upto *01 year*. As such, the cognizance is barred under law. In such circumstances, a prayer to amend the complaint whereby complainant wants to create new cause of action cannot be allowed. It is observed that even otherwise, the averments contained in the body of the complaint read with the examination of complainant under oath do not constitute any offence and the whole complaint is based upon the personal interpretations, whims and fancies of the complainant.

3. Before proceeding further, it is deemed appropriate to give the factual matrix of the instant complaint.
4. At the outset, it is pertinent to mention that the instant complaint has been filed in *hindi* language. It is averred in the complaint that

according to hindu rituals and customs, two *shiv lings* cannot be installed under one tree and if that is allowed to happen, there may be conflicts/violence in the society and in consequences whereof, there may be instances where one male has relations with two or more than two females or vice versa. It is claimed by the complainant that shiv ling should be in two pieces but not a single idol.

5. It is worthwhile to note that the averments in *para 4* of the complaint are not being mentioned in this order. The averments contained therein are written in a language which this Court considers inappropriate and offensive to religious sentiments.
6. It is further claimed in the complaint that there is a difference between '*shivling*' and '*jyotirling*' and *prasad* is offered to *jyotirling* but not *shivling*. It is contended that *shivling* cannot be installed in front of idol of Mata Sita as Lord Shiva considers Mata Sita as his mother. Also, it is claimed that when someone takes birth or dies in a household, then idols of Gods cannot be installed. It is further claimed that proposed accused persons do not know the meaning of '*sanyasi*', '*vairagi*' and '*sadhu*'. It is further claimed that idols of shani and nandi were not installed in appropriate manner and members of the committee of temple did not perform satsang when the complainant asked them to do so.
7. It is averred in *para 10* of the complaint that due to non adherence of rituals, a miracle happened wherein hand of idol of Sita Mata broke but still it was installed. Thereafter, the complainant wanted to leave the place but the temple door was locked and his

belongings were inside due to which he could not leave the place. It is claimed by the complainant that proposed accused persons wanted him to be a caretaker/watchman of the temple without salary. It is further claimed by the complainant that proposed accused persons did not pay him the salary as agreed but only paid Rs. 1700/-

8. Though in the body of complainant, no date of occurrence has been mentioned but in his examination on oath, he has stated the alleged incident to be of june 2017. He has reiterated in his examination what he has stated in the complaint. It is noteworthy that he has specifically stated that accused persons were served notices for not giving him his salary as he was only paid Rs. 1700/
9. The gravamen of the complaint is that the proposed accused persons did not perform certain religious rituals/ceremonies in the manner which the complainant perceives to be true and correct. The complainant claims to be a religious preacher/godman and has sought to criminalise the conduct of the proposed accused persons on the ground that certain religious rituals were allegedly not performed in accordance with what he considers to be the prescribed religious practice. However, the complaint and the statement of the complainant recorded on oath do not disclose the commission of any offence punishable under law. The allegations merely reflect the complainant's personal disagreement with the manner in which a religious ceremony was conducted.
10. Admittedly, it is not the case of the complainant that the proposed accused persons performed the alleged acts with an

intention to insult, outrage or hurt his religious feelings or the religious feelings of any other person or his feelings got hurt. The entire complaint is based upon the ground that the proposed accused persons did not perform certain religious rituals in the manner which according to the complainant's personal understanding of religious practices are true and correct.

11. Even if the allegations contained in the complaint are accepted in their entirety, they only indicate that the proposed accused persons chose to perform religious ceremonies in a manner different from that advocated by the complainant. Such conduct *per se* does not attract criminal liability. The criminal law cannot be invoked for enforcing a particular interpretation of religious rituals, customs or beliefs especially when there is no allegation of deliberate or malicious intent to insult or outrage religious feelings.

12. In a pluralistic and secular society governed by the rule of law, individuals are entitled to profess and practise their faith in accordance with their conscience subject to the limitations imposed by law. Mere non-adherence to a particular mode of worship or ritual advocated by the complainant does not constitute a criminal offence. The present complaint is, therefore, not based upon any violation of law but upon the complainant's attempt to enforce his personal religious views upon others through the machinery of criminal justice.

13. India is a pluralistic society characterised by immense religious, cultural and spiritual diversity. Religious beliefs, customs and practices often vary from sect to sect, region to region and even

from individual to individual. In such a diverse society, differences of opinion regarding the manner in which religious ceremonies ought to be performed are not uncommon. The law does not recognize any individual's personal interpretation of religious practices as binding upon others merely because such individual claims religious expertise or authority. Unless an act constitutes a violation of law, a mere departure from a particular ritualistic practice or religious belief cannot furnish a ground for criminal prosecution. The criminal justice system is not intended to adjudicate upon competing claims regarding the correctness of religious rituals

14. It is also pertinent to note that the complainant has himself averred that the proposed accused persons wanted him to act as a caretaker/watchman of the temple without payment of salary and that he was not paid the remuneration allegedly promised to him, except for an amount of Rs. 1,700/-. The complaint has also disclosed a personal and monetary dispute between him and proposed accused persons. The allegations relating to non payment of salary shows that the present complaint has arisen out of personal differences and grievances. The complainant has attempted to give a criminal colour to what is essentially a civil monetary dispute. In addition to the aforesaid, the instant complaint is hit by limitation

15. In view of the aforesaid analysis of facts and law, this Court is of the considered opinion that no sufficient ground muchless any ground exists warranting cognizance of the instant complaint

thereby initiating criminal proceedings against the proposed accused persons. The instant complaint is, therefore, **dismissed** along with connected application(s), if any. In consequence thereto, the proposed accused persons are discharged.

16. Before parting, this Court expresses its strong dissatisfaction regarding the conduct of the complainant in instituting the criminal proceedings without any reasonable ground. At the cost of repetition, it is observed that the entire complaint is founded upon the complainant's personal understanding of religious customs, rituals and practices. It is not even the case of the complainant that the proposed accused persons acted with any intention to insult, outrage or hurt his religious sentiments.

17. The complaint further discloses the existence of a monetary dispute between the parties. The complainant has himself alleged that the proposed accused persons wanted him to work as a caretaker/watchman of the temple and that the salary allegedly promised to him was not paid, except for an amount of Rs. 1,700/-. These averments show that the complainant has grievance relating to his salary/remuneration which is of purely civil nature. The allegations pertaining to non-payment of salary are totally unconnected with the purported violations of religious rituals enabling this Court to infer that the present complaint has arisen out of personal and monetary disputes between the parties.

18. Moreover, the alleged acts pertain to year 2017 and the complainant has approached this Court after an inordinate and unexplained delay of almost (09) nine years. No satisfactory

explanation has been furnished for invoking the criminal jurisdiction of this Court after such a prolonged lapse of time.

19. Hon'ble Supreme Court of India in a case titled as "**Jay Shri & Anr. v. State of Rajasthan (2024 INSC 48)**" has held that 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. Reliance is also placed upon "**SHARIF AHMED AND ANOTHER VERSUS STATE OF UTTAR PRADESH AND ANOTHER 2024 INSC 363**" wherein the Apex Court in *para 44* has held as under :-

44. We would also like to emphasise on the need for a Magistrate to be cautious in examining whether the facts of the case disclose a civil or a criminal wrong. Attempts at initiating vexatious criminal proceedings should be thwarted early on, as a summoning order, or even a direction to register an FIR, has grave consequences for setting the criminal proceedings in motion. Any effort to settle civil disputes and claims which do not involve any criminal offence, by way of applying pressure through criminal prosecution, should be deprecated and discouraged.

.....emphasis supplied

20. What could not escape the eye of this Court is the mentioning of sections of BNS in the subject matter of the complaint which are wholly irrelevant and unrelated to the facts of the case and are also contrary to the averments in the complaint and statement/examination of complainant on oath. It is pertinent to mention that the complainant has also filed an affidavit in support

of his complaint contending therein that contents of the same are true and correct. The section of law mentioned in the subject matter of the complaint under which the complainant wanted to prosecute the proposed accused persons are sections 318, 196 (295A, 225 & 298 IPC), 211, 196(2), 212, 248, 356(1)(2), 85 BNS.

21. As regards **Section 318 BNS (cheating)**, there is no allegation that the accused dishonestly induced the complainant from the inception to deliver property or to render services. The grievance regarding non-payment of the salary/remuneration is, at best, a civil dispute. As regards **Section 196 BNS and Section 196(2) BNS**, there is no allegation that the accused promoted enmity, hatred or disharmony between different religious, racial, linguistic or other groups nor there is any allegation of any act prejudicial to communal harmony.
22. As regards **Section 295A IPC**, there is no allegation of any deliberate and malicious act intended to outrage the religious feelings of any class of citizens by insulting its religion or religious beliefs. The allegation that idols were not installed according to the complainant's understanding of religious customs does not by itself attract the offence.
23. As regards **section 225 IPC**, the complaint is completely silent regarding any resistance to lawful apprehension, rescue from custody or obstruction of any lawful process. As regards **section 298 IPC**, there is no allegation that the proposed accused persons uttered any words, made any gestures, or exhibited any object directed towards the complainant or they acted with the deliberate

intention of wounding his religious feelings. Whereas, **Sections 211 and 212 BNS**, both address the omission or manipulation of information legally required to be given to a “public servant.” Section 211 penalizes failing to report required information, while Section 212 penalizes providing false information. No such averment has been made in the complaint or in the statement of the complainant on oath.

24. As regards **Section 248 BNS**, no fact constituting the said offence has been pleaded in the complaint or in the statement of the complainant that the proposed accused persons made any false charge of offence with intent to injure the complainant.

25. As regards **section 356(1) & (2) BNS (defamation)**, no specific imputation affecting the reputation of the complainant has been pleaded nor are the necessary particulars thereof disclosed. Whereas **section 85 BNS** is concerned, the provision pertains to cruelty by husband or relatives of husband towards a woman and is wholly inapplicable to the facts of the case.

26. It is also noteworthy that the complainant has sought to invoke penal provisions which on a plain reading of the complaint itself, have no application whatsoever to the facts alleged. The complaint is supported by a sworn affidavit. Hon’ble Supreme Court of India in a case titled as **Indian Oil Corpn. v. Nopc India Ltd. And Others 2006 INSC 452** has expounded the scope of Section 250 CrPC which is *pari materia* to Section 273 BNSS as under: -

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that

the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may.

.....emphasis supplied

27. Viewed cumulatively, the complainant's personal interpretation of religious practices, the existence of an underlying monetary dispute regarding alleged non-payment of salary, the unexplained delay and invocation of inapplicable penal provisions in absence of facts constituting the alleged offences in the complainant or statement on oath shows that the criminal jurisdiction of this Court was invoked recklessly and without reasonable cause as a pressure tactics and same also makes this Court to question the bonafides of the complainant.

28. This Court is, therefore, satisfied that the accusations leveled against the proposed accused persons were without reasonable cause and subjected them to unnecessary harassment, inconvenience and expenditure. The instant complaint is a fit case to invoke the jurisdiction under section 273 BNSS vested in this Court. Accordingly, proceedings under Section 273 BNSS are initiated. As such, complainant is directed to show cause why he should not pay compensation to the proposed accused persons for instituting criminal proceedings on unwarranted, false and vexatious grounds.

29. Announced in the open Court at 02:00 PM.

30. List the show cause proceedings today at 04:00 PM for filing of
reply, if any.

RISHABH Digitally signed
by RISHABH
KOUSHAL
KOUSHAL
(Rishabh Koushal)

**Announced
03.06.2026**

**District Judicial Mobile Magistrate (T)
Udhampur**

**IN THE COURT OF DISTRICT JUDICIAL MOBILE MAGISTRATE (T)
UDHAMPUR**

File No: 68/Complaint
CNR No: JKUD03008622026
D.O.Institution: 18.03.2026
Pronounced on: 03.06.2026

Sita Ram Dass Guru Awadh Bihari Dass R/o Narsing Mandir Rupaheli
District Bhilwara, Rajasthan.

.....Complainant

Through: Mr. Sanjeet Kumar Bavoria, Advocate
Versus

1. Bishan Dass S/o Chuni Lal R/o Jakkhad, Tikri.
2. Prabhu Dayal S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
3. Hans Raj S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
4. Raj Kumar S/o Hans Raj R/o Udhampur.
5. Badrinath S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
6. Bupinder S/o Hans Raj R/o Udhampur.
7. Shiv Kumar S/o Kishan Chand R/o Jakkhad, Tikri.
8. Pandit of hawan on 24, 25, 26 June, 2017.
9. Unknown (Gopal) S/o Badrinath S/o Mast Ram R/o Udhampur.

.....Proposed Accused Persons

Through: Mr. Yog Raj Sharma, Advocate for no. 1, 2, 3, 5, 6, 7 & 9

CORAM: RISHABH KOUSHAL (JK00309)

ORDER
(03.06.2025)

Case called at 04:00 PM. Complainant along with counsel present.
Counsel for the proposed accused is also present. A reply to the show
cause notice has been filed by the complainant.

The complaint filed by the complainant has been dismissed by this
Court as the allegations contained therein, even if accepted at their face
value, did not disclose the commission of any offence known to law. This
Court while dismissing the complaint has made the observations that the

complaint was false, frivolous and vexatious and was filed without any reasonable ground. Consequently, notice under Section 273 BNSS was issued to the complainant to show cause as to why compensation be not awarded to the proposed accused persons.

The complainant has filed his reply to the said notice. The same has been considered. Perusal of the same shows that the reply does not satisfactorily explain the basis on which the criminal proceedings were instituted against the proposed accused persons. The complainant has vaguely stated that he does not know English language and as such, he is not in a position to file the reply to the show cause for initiating frivolous criminal proceedings without reasonable ground against the proposed accused persons. The complainant cannot be allowed to take such ground, when he is provided a legal aid counsel by the District Legal Service Authority, Udhampur. In his reply, he has claimed himself to be a self styled god man who is here to protect the religion. It is observed that the Hindu religion is not so weak and fragile that it may require the complainant to file frivolous cases against the people. As observed by the Hon'ble Supreme Court that Hinduism is not merely a religion but a way of life having wide diversity and different set of customs and rituals in sub groups within Hinduism. The complainant admittedly is a resident of Rajasthan where practices of Hindu religion may be different than what is practiced at Udhampur District. Merely because the proposed accused(s) who are now discharged did not follow the rituals as per the understanding of the complainant, criminal liability cannot be fastened upon them. The complainant cannot be allowed to impose his own religious diktats upon the others in a pluralistic society

like India where constitution guarantees its citizens to profess, practice and propagate the religion according to their wishes subject to limitations of law which complainant has failed to demonstrate. The reply does not point out any provision of law which was allegedly violated by the proposed accused persons nor does it disclose any material constituting a criminal offence.

This Court is satisfied that the accusations leveled against the accused persons were without reasonable cause. The institution of the complaint compelled the accused persons to face unnecessary legal proceedings and caused harassment and inconvenience.

Accordingly, the reply filed by the complainant is rejected. Since, only seven out of nine proposed accused persons have contested the case before this Court through their counsel, as such, only they are awarded compensation.

Therefore, in exercise of powers under Section 273 BNSS, this Court directs the complainant to pay a compensation of Rs. 7000/- each to accused No. 1, 2, 3, 5, 6, 7 & 9 (cumulatively Rs. 49000/-) within a period of two days from today failing which the appropriate action as warranted under law shall follow. The complainant and his counsel are directed to apprise this Court qua payment of compensation to the proposed accused persons no. 1, 2, 3, 5, 6, 7 & 9.

List on 05.06.2026

**Announced
03.06.2026**

RISHABH
KOUSHAL

Digitally signed by
RISHABH KOUSHAL

(Rishabh Koushal)

**District Judicial Mobile Magistrate (T)
Udhampur**

**IN THE COURT OF DISTRICT JUDICIAL MOBILE MAGISTRATE (T)
UDHAMPUR**

File No: 59/Cr. Misc. (Robkar) in 68/Complaint

D.O.Institution: 03.06.2026

Date of Order: 05.06.2026

Sita Ram Dass Guru Awadh Bihari Dass R/o Narsing Mandir Rupaheli
District Bhilwara, Rajasthan.

.....Complainant

Through: Mr. Sanjeet Kumar Bavoria, Advocate

Versus

1. Bishan Dass S/o Chuni Lal R/o Jakkhad, Tikri.
2. Prabhu Dayal S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
3. Hans Raj S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
4. Raj Kumar S/o Hans Raj R/o Udhampur.
5. Badrinath S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
6. Bupinder S/o Hans Raj R/o Udhampur.
7. Shiv Kumar S/o Kishan Chand R/o Jakkhad, Tikri.
8. Pandit of hawan on 24, 25, 26 June, 2017.
9. Unknown (Gopal) S/o Badrinath S/o Mast Ram R/o Udhampur.

.....Proposed Accused Persons

Through: Mr. Yog Raj Sharma, Advocate for no. 1, 2, 3, 5, 6, 7 & 9

IN THE MATTER OF: - Proceedings under section 273
BNSS/Robkar against complainant

CORAM: RISHABH KOUSHAL (JK00309)

**ORDER
(05.06.2026)**

1. Vide order dated 03.06.2026, this Court, after considering the reply filed by the complainant to the show cause notice issued under Section 273 BNSS, rejected the said reply and directed the complainant to pay compensation of Rs. 7,000/- each to accused No. 1, 2, 3, 5, 6, 7 and 9, (who have contested the criminal complaint) aggregating to Rs. 49,000/-, within a period of two days.

2. Today, when this case is taken up for hearing, the counsel for the complainant is present though complainant is not present. When asked about the whereabouts of the complainant, the counsel did not satisfactorily answer the same but gave evasive replies and instead filed an application seeking deferment of the proceedings on the ground that a revision petition against the order dated 03.06.2026 has been filed before learned Principal Sessions Judge, Udhampur.
3. This Court is constrained to observe that the application for deferment of proceedings is nothing but an attempt to escape the liability fixed on the complainant. The counsel has not been able to produce any order vide which the proceedings are stayed or this Court is restrained from proceedings against the complainant. Mere filing of revision petition against an order does not *per se* operate as a bar to proceed in a case in which such order was passed. Accordingly the application seeking deferment of proceedings is **dismissed** being devoid of any merit. Be attached with the main file.
4. It is pertinent to mention that Mr. Sanjeet Bavouria, Advocate when asked to argue on the quantum of imprisonment in default of paying the compensation, he placed the application for deferment of proceedings on the dias and left the Court room. After exhausting the cause list, repeated calls were given but neither the complainant nor his counsel appeared. Counsel for the complainant was repeatedly asked to appear before the Court through the orderlies of the Court and also,

conveyed telephonically to appear but despite that he ignored the same and did not come to the Court room.

5. The brazen attempt by the complainant by filing application for deferment of proceeding through his counsel by himself remaining absent to defeat the purpose of previous order vide which the compensation was directed to be paid, cannot be ignored. This shows the conduct of the complainant who admittedly was present in person in the Court Complex for filing the revision petition but has chosen to abscond from the instant proceedings which is nothing but a direct challenge to the authority of this Court which also shows that complainant has no regard for the judicial proceedings. Admittedly, no compensation awarded vide order dated 03.06.2026 has been paid to the proposed accused no. 1, 2, 3, 5, 6, 7 & 9 who contested the frivolous criminal complaint filed against them which came to be dismissed. Learned counsel appearing for the proposed accused persons also confirms that no compensation has been received by any of them. Nor the compensation has been deposited before this Court.
6. The complainant was fully aware of the order qua compensation passed by this Court and also, of the consequences ensuing therefrom as the same was announced in the open Court where he was present along with his counsel. Despite having knowledge of the order and despite the lapse of the time granted by this Court, the complainant has failed to comply with the directions issued. No sufficient or justifiable cause has been shown for such non-compliance.

The presence of counsel of the complainant and absence of complainant in person clearly reflects his evasion from the process of law.

7. This Court had already recorded a categorical finding that the complaint was instituted without reasonable cause and that the proposed accused persons were unnecessarily subjected to frivolous and vexatious criminal proceedings. The complainant has deliberately chosen to abscond and not comply with the directions of this Court.
8. Section 273(3) BNSS in clear terms prescribes that in default of paying the compensation awarded, the person “shall” undergo simple imprisonment for a period not exceeding thirty days. While determining the period of imprisonment in default of payment of compensation, this Court has given thoughtful consideration to the facts and circumstances of the case. The complaint instituted by the complainant was found to be wholly devoid of merit and was dismissed at the threshold (pre-cognizance stage) as no offence was disclosed even if the allegations were accepted in their entirety. The allegations were founded primarily upon the complainant's personal interpretation of religious customs and rituals and a pending monetary grievance relating to alleged non-payment of salary of the year 2017. Despite this, the complainant chose to invoke the criminal jurisdiction of this Court and compelled several persons to engage legal representation and contest frivolous proceedings.

9. The complainant not only subjected multiple persons to unnecessary litigation but also consumed valuable judicial time and resources which could otherwise have been devoted to genuine disputes pending adjudication before this Court. The Court was required to examine the complaint, record the statement of the complainant, consider the material placed on record which was painstakingly difficult to read as the same was handwritten in a very bad handwriting in *hindi* language and also was illegible. This Court finally adjudicated upon proceedings which ultimately revealed no offence known to law.
10. Thereafter, separate proceedings under Section 273 BNSS became necessary on account of the frivolous and vexatious nature of the complaint. The time so consumed could otherwise have been devoted to adjudication of genuine disputes brought before the Court. Frivolous invocation of criminal jurisdiction not only prejudices the persons against whom such accusations are made but also burdens the justice delivery system and deprives deserving litigants from scarce judicial resources.
11. It is further noteworthy that the complainant sought to invoke penal provisions which were *ex facie* inapplicable to the facts pleaded in the complaint. The complaint was supported by the complainant's affidavit and was pursued with the assistance of counsel which provided to him by District Legal Services Authority, Udhampur. Despite this, no facts were pleaded for attracting the ingredients of the offences alleged

therein. Invoking wholly inapplicable penal provisions coupled with the absence of any legal basis for the prosecution, shows a reckless and irresponsible use of the criminal process.

12. Today's absence of the complainant further shows his conduct and intentions, as such, the same warrants a stern response so as to uphold the sanctity of judicial proceedings and to deter abuse of the process of law. Such conduct of the complainant reflects a deliberate misuse of the process of law and a complete disregard for the judicial determination rendered by this Court.
13. For what has been discussed heretofore, this Court is of the considered opinion that the ends of justice would be met only by awarding the maximum period of imprisonment permissible under Section 273(3) BNSS, i.e. thirty days (30). Accordingly, the complainant is directed to undergo simple imprisonment for a period of thirty days in default of payment of the compensation awarded by this Court to be lodged at District Jail Udhampur.
14. Since, the complainant has chosen to remain absent without any reasonable excuse as such, let a warrant of arrest be issued against him through SHO Udhampur who is directed to arrest the complainant and produce him before this Court.

List on 24.06.2026.

RISHABH Digitally signed
by RISHABH
KOUSHAL KOUSHAL
(Rishabh Koushal)

Announced
05.06.2026

District Judicial Mobile Magistrate (T)
Udhampur

**IN THE COURT OF DISTRICT JUDICIAL MOBILE MAGISTRATE (T)
UDHAMPUR**

File No: 59/Cr. Misc./Robkar
D.O.Institution: 18.03.2026
Pronounced on: 08.06.2026

Sita Ram Dass Guru Awadh Bihari Dass R/o Narsing Mandir Rupaheli
District Bhilwara, Rajasthan.

.....Complainant

Versus

1. Bishan Dass S/o Chuni Lal R/o Jakkhad, Tikri.
2. Prabhu Dayal S/o Mast Ram R/o Jakkhad, Tikri at present
Udhampur.
3. Hans Raj S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
4. Raj Kumar S/o Hans Raj R/o Udhampur.
5. Badrinath S/o Mast Ram R/o Jakkhad, Tikri at present Udhampur.
6. Bupinder S/o Hans Raj R/o Udhampur.
7. Shiv Kumar S/o Kishan Chand R/o Jakkhad, Tikri.
8. Pandit of hawan on 24, 25, 26 June, 2017.
9. Unknown (Gopal) S/o Badrinath S/o Mast Ram R/o Udhampur.

.....Proposed Accused Persons

IN THE MATTER OF: Robkar in complaint.

CORAM: RISHABH KOUSHAL (JK00309)

**ORDER
(08.06.2025)**

Police of P/S Udhampur through ASI Kamal Kishore no. 931978/EXJ has brought the complainant in custody in execution of non-bailable warrant issued against him vide order dated 05.06.2026. As such, the case file is called from the office and taken up for consideration today considering the nature of the case.

Perusal of the record reveals that this Court vide order dated 05.06.2026 directed the complainant Baba Sita Ram Dass to undergo simple imprisonment for a period of 30 days in default of payment of compensation awarded by this Court to the proposed accused persons who contested the frivolous case filed against them by the

complainant. On that day, the complainant though was present in Court Complex as conveyed by his counsel, but absconded when this case was taken up for hearing sensing the consequences whereafter, this Court was constrained to issue non-bailable warrant against him which was to be executed by SHO P/S Udhampur.

Complainant Baba Sita Ram Dass who is present before this Court is asked to deposit Rs. 49,000/- on account of compensation awarded to proposed accused persons which he has blatantly refused. In consequence thereto, this Court is left with no other option but to send the complainant Baba Sita Ram Dass to undergo simple imprisonment for a period of 30 days from today till 7th July, 2026 to be lodged at District Jail, Udhampur. Let a warrant of imprisonment be issued accordingly.

It is however directed that in case the complainant deposits an amount of Rs. 49,000/- before the I/C District Jail, Udhampur, he shall be released forthwith provided he is not required in any other case.

The Robkar is accordingly disposed of. Be consigned to record along with the main complaint case after due completion under rules.

Copy of this order be forwarded to I/C District Jail, Udhampur for compliance.

Announced
08.06.2026

RISHABH
KOUSHAL
(Rishabh Koushal)
District Judicial Mobile Magistrate (T)
Udhampur

Digitally signed by
RISHABH
KOUSHAL