# Civil vs Criminal cases

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**Why in News?**

*Recently, the Supreme Court has twice intervened in instances in which High Courts allowed criminal proceedings to continue in what were essentially civil disputes.*

| Category | Civil case | Criminal case |
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| **Purpose** | It is designed *to resolve* disputes between private individuals or organisations. | *To punish* the offender and deter others from committing similar crimes. |
| **Involved Parties** | The person who files the case is called the ***plaintiff***, and the person against whom it is filed is the ***defendant.*** | The state, represented by a ***prosecutor***, initiates criminal proceedings against the accused. |
| **Types of Disputes** | Civil cases, known as ***suits***, involve disagreements over the rights and duties of the parties to the case towards each other. | It is considered an offence against the individual, the state, or society as a whole. |
| **Remedies / Punishment** | To provide a remedy, in the *form of monetary compensation called damages* or a specific action ordered by the court to a party to do or not to do something, called an injunction. | People found guilty are punished with simple imprisonment, a fine, rigorous punishment, a life sentence or death. |
| **Example of cases** | It deals with property disputes, contract breaches, family law matters like divorce and child custody, and cases for the recovery of money. | It deals with Offences like theft, cheating, assault and murder fall under criminal law. |
| **Burden of proof** | The plaintiff must prove their case on a "*Preponderance of Probabilities",* which means their fact is more likely to be true than the defendant's. | The prosecution must prove the accused is guilty beyond a reasonable doubt because it reflects serious consequences of criminal conviction, which involve the loss of liberty. |
| **Overlapping** | Some actions may involve both civil and criminal elements, such as breach of contract with fraudulent intent. | Criminal proceedings require clear evidence of criminal intent; otherwise, the matter should remain civil, as emphasised by the Supreme Court. |
| **Data from the National Judicial Data Grid (NJDG)** | Only 37.91% of civil suits were resolved within a year. | 70.17% of criminal trials in district courts across India were disposed of within a year. |
| **Cause of Delay** | Civil matters are often delayed due to parties seeking out-of-court settlements or delays in issuing summons and notices. | Criminal cases are treated with more urgency due to the stakes involving life and liberty. |

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| **Related Laws** | The Code of Civil Procedure 1908, Indian Contract Act, 1872, Transfer of Property Act, 1882. | Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), Bharatiya Sakshya Adhiniyam (BSA), etc. |

**Reference**

The Indian Express| Civil Case vs Criminal Case.

**Related News –** Criminal Law reforms | Revised Criminal Reform Bill

