

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
Purpose	It is designed <i>to resolve</i> disputes between private individuals or organisations.	<i>To punish</i> the offender and deter others from committing similar crimes.
Involved Parties	The person who files the case is called the <i>plaintiff</i> , and the person against whom it is filed is the <i>defendant</i> .	The state, represented by a <i>prosecutor</i> , initiates criminal proceedings against the accused.
Types of Disputes	Civil cases, known as <i>suits</i> , 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 <i>form of monetary compensation called damages</i> 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 " <i>Preponderance of Probabilities</i> ", 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.

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.
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Reference

[The Indian Express](#) | [Civil Case vs Criminal Case](#).

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