

“**11.** Having considered the submissions made on behalf of the parties, we are of the view that the gravity of a complaint under the Negotiable Instruments Act cannot be equated with an offence under the provisions of the Penal Code, 1860 or other criminal offences. An offence under [Section 138](#) of the Negotiable Instruments Act, 1881, is almost in the nature of a civil wrong which has been given criminal overtones.”

(emphasis supplied)

(This is the clearest enunciation of a Section 138 proceeding being a “civil sheep” in a “criminal wolf’s” clothing.)

**Kaushalya Devi Massand v. Roopkishore Khore**, (2011) 4 SCC 593