

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10721 of 2025**

Arising Out of PS. Case No.-775 Year-2018 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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1. Binod Kumar Singh S/o- Late Vyas Singh R/o- Supriya Cinema Road, Back of Maruti Maker, Bettiah, P.S.- Bettiah, District- West Champaran
  2. Nikhil Kumar Singh S/o- Vinod Kumar Singh R/o- Supriya Cinema Road, Back of Maruti Maker, Bettiah, P.S.- Bettiah, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ujjawal Narayan Singh S/o- Late Vyas Narayan Singh R/o- Tularam Flats Moh- Kila Bettiah Ps- Bettiah Town Dist- West Champaran

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Arun, Advocate                   |
|                          |   | Mr. Dhananjay Kumar Tiwary, Advocate |
| For the Opposite Party/s | : | Mr. Nagendra Prasad, APP             |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      10-10-2025                      Heard Mr. Arun, along with Mr. Dhananjay Kumar Tiwary, learned counsels appearing on behalf of the petitioners and Mr. Nagendra Prasad, learned APP for the State.

2. At the outset, learned counsels appearing on behalf of the petitioners informs that petitioner no.1 has died during the pendency of the present quashing application and as such, he seeks to withdraw the present petition with respect to the petitioner no.1.

3. Learned counsel appearing on behalf of petitioner no.2 submitted that as per the complaint, the Complainant has alleged that to sale a piece of land for the agreed amount, a sum



of Rs.6000/- was paid as an advance to the petitioner No.2 and Rs.4,36,000/- was paid to one Vijay Singh and other family members. However, considering the fact that the matter is purely civil in nature, the petitioner, in order to buy peace of mind and to get rid of the criminal prosecution, is ready to settle the dispute amicably outside the Court.

4. Learned APP for the State submitted that the matter shall be settled amicably outside the Court.

5. Heard the parties.

6. Considering the nature of allegation, I find that the matter can be resolved amicably outside the Court by way of mediation. Law in this regard is well settled by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand*** reported in ***(2013) 11 SCC 673***, in which, the Apex Court in paragraph no. 12 has held as follows:

*"12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court."*



7. The Apex Court has reiterated the aforesaid preposition in recent judgment of ***S.N.Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575.***

8. The petitioner no.2 is directed to appear before the learned District Court on 27.11.2025 at 10.30am.

9. Learned District Court is directed to take necessary action to refer the matter before the learned mediator of the District Mediation Center after issuing notice to O.P. No.2.

10. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months. Till then, no coercive steps shall be taken against the petitioner no.2 in connection with the Complaint Case No.775 of 2018.

11. In case of failure on the part of the petitioner no.2 to appear on 27.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

12. In case, the parties fail to reconcile, then in that case, the learned District Court shall proceed with the trial.



13. In case, the parties resolve their dispute amicably, then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

14. Accordingly, the present quashing application stands disposed of.

**(Purnendu Singh, J)**

Ashishsingh/-

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