

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44033 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- COMPLAINT CASE - BARH District-
Patna

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Sanjay Singh S/o Late Ramsharan Singh R/o Village-Shivnar, Police Station-
Mokama, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Complainant	:	Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard Mr. Aryan Singh, learned counsel appearing
on behalf of the petitioner; Mr. Mithlesh Kumar Khare, learned
APP appearing on behalf of the State and Mr. Santosh Kumar,
learned counsel appearing on behalf of the Complainant.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 44 of 2022 registered under Sections
406,420,427,466,467,468,471,473,476,483,485,506, of the
Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
has allegedly committed forgery with his own brother, who has
lodged the complaint case, in which it has been alleged that the
petitioner has not given Complainant's part of share, which was
provided as compensation in lieu of joint family land acquired



in widening of road at Bakhtiyarpur-Khagariya four lane.

4. Mr. Santosh Kumar, learned counsel learned counsel has tendered his appearance on behalf of Complainant and at the outset he informs that the petitioner is the own brother of the complainant and they have not partitioned their joint family land and by committing fraud of Rs.80 lakhs, which was provided as compensation in lieu of joint family land acquired in widening of road at Bakhtiyarpur-Khagariya four lane, the petitioner is liable to make payment of Complainant's share out of the said Rs. 80 lakhs and the Complainant in this regard is ready to produce documents in support of his claim.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner and the complainant are own brothers and to buy peace of mind the petitioner is ready to settle the dispute amicably outside the Court.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, having considered the fact that the Complainant is aggrieved for non-payment of his share on account of money amounting to Rs.80 lakhs, which was received by the petitioner as compensation in acquisition of land



which was acquired for widening of road. The allegation and content of complaint reveals that case is purely civil in nature, and 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.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."

8. 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***. I find that the dispute has civil texture. Therefore, the complainant and the petitioner are directed to appear before the learned District Court on 27.11.2025 at 10.30am so that the learned District Court may take necessary action to refer the matter before the learned mediator of the District Mediation Center after issuing notice to complainant, so that parties may first proceed to resolve their dispute amicably.



9. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after issuing notice to the complainant.

10. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute between the parties amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of six months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

11. 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.

12. In case of failure on the part of the petitioner 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 petitioner shall automatically lose its force.

13. In case, it is deliberate on the part of the petitioner and he fails to reconcile, then in that case, the learned District Court shall proceed with the trial. However, if the complainant fails to cooperate into mediation or arrive at amicable settlement, the interim protection granted to petitioner shall



become final and the proceeding against him is also required to proceed in accordance with law.

14. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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