

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52325 of 2025

Arising Out of PS. Case No.-89 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Jagrit Singh S/o Ramlachhan Singh R/o Village- Raghunathpur, PS- Chiraiya, Distt- East Champaran
 2. Ramlachhan Singh @ Ramlakshan Singh S/o Late Bhikhari Singh R/o Village- Raghunathpur, PS- Chiraiya, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Singh S/o Sukdeo Singh R/o vill - Jaipal tola, P.S.- Chiraiya, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the O.P. No.2	:	Ms. Perna Rishi, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-12-2025 Heard Mr. (Dr.) Anjani Pd. Singh, learned counsel appearing on behalf of the petitioners; Mr. Akshay Lal Pandit, learned APP for the State and Ms. Perna Rishi, learned counsel appearing on behalf of the O.P. No.2.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 89 (C) of 2024 registered for the offence(s) punishable under Sections 420,34 of the IPC.

3. As per the allegation made in the FIR, the petitioners committed cheating with the complainant by executing sale deed of the land pertaining to Khata No. 385, Plot No.121, Area 5.26 Dismil, Mauza Barajairam, Anchal



Chiraiya in favour of the complainant/O.P. No.2 on 20.12.2021 for a sum of Rs.3.98 lakh, which was in possession of another person namely Vrinda Singh.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners admit that they have sold the said piece of land to the complainant but the complainant could not get the possession of the land. The petition has been filed by the complainant against the petitioners claiming that another person Vrinda Singh was in possession of the said piece of land. Learned counsel further submitted that instead of availing proper remedy for the alleged act of the said Vrinda Singh, the complainant has filed the present complaint after the contract of sale has been concluded. The petitioners have clean antecedent. On these grounds the petitioners seek to be released on pre-arrest bail.

5. *Per contra*, Ms. Prerna Rishi, learned counsel appearing on behalf of the O.P. No.2 submitted that the petitioners knowingly executed the sale deed in favour of the complainant, with an intention to deceive him and for the same sale deed the complainant made payment of Rs.3.98 lakhs to the petitioners. The petitioners have not been able to make out a case that they have not committed cheating with the



complainant. She further submitted that the petitioners have not taken any action against the said Vrinda Singh, who, on the date of execution of the sale deed, was in the possession of the said piece of land.

6. At this stage Mr. (Dr.) Anjani Pd. Singh, learned counsel appearing on behalf of petitioners and Ms. Prerna Rishi, learned counsel appearing on behalf of the O.P. No.2, upon instructions submitted that the matter is purely civil in nature and to buy peace of mind, the parties want to settle the dispute amicably outside the Court. They jointly inform that the parties will appear on 22.12.2025 at 10.30Am before the learned District Court.

7. Learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

8. Heard the parties.

9. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR, I find that the petitioner being the owner of land admittedly had sold the land described in the sale deed in favour of the complainant. The complainant could not come in possession of the said piece of land though the land was mutated



in the name of the complainant. After conclusion of contract it cannot be said that with an intention to cheat the complainant the petitioners have executed the sale deed.

10. Considering the fact that the matter is purely civil in nature and in such circumstances, parties seek opportunity to settle their dispute amicably outside the Court. In this regard, I find it apt to take note of the observation made by the Apex Court recently in case of ***Paramjeet Batra v. State of Uttarakhand***, reported in ***(2013) 11 SCC 673***, wherein in paragraph no. 12, the Apex court has held as under:-

“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.”

11. 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***.



12. The petitioners have willingly desired to appear before the learned District Court on or before 22.12.2025, so that the matter can be referred to the District Mediation Centre.

13. Learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties.

14. Learned Mediator of the District Mediation Center concerned, upon appearance of the parties, 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 six months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.

15. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court, the petitioners are required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

16. In case of failure on the part of the petitioners to appear on 22.12.2025 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.

17. In case, it is deliberate on the part of the opposite party no.2 to reconcile, then in that case, the interim protection granted to the petitioners shall continue.

18. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioners are directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

19. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, which they have lodged against each other.

20. With aforesaid direction and observation, the present application stands disposed of.

(Purnendu Singh, J)

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