

Arising Out of PS. Case No.-203 Year-2025 Thana- SIWAN CITY District- Siwan

... .. Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the O.P. No. 2	:	Mr. Ajay Kumar Pandey, Advocate
		Ms. Shyama Rani, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

3 18-12-2025 Heard Mr. Raghav Prasad, learned counsel
appearing on behalf of the petitioner; Mr. Ajit Kumar, learned
APP for the State and Mr. Ajay Kumar Pandey, learned counsel
for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection with Siwan (Town) P.S. Case No. 203 of 2025 registered for the offence punishable under Sections 318(4), 303(2), 352, 351(2) and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner along with her husband had taken certain amount from the informant on account of selling their house but later on, the petitioner had not registered her house to the informant nor she



has returned the money back to the informant.

4. Respective counsels are of the opinion that the matter primarily relates to monetary transaction between the parties. The nature of allegation is civil in nature. They have arrived to inform this Court that they will try to settle the dispute amicably outside the Court.

5. Learned A.P.P. for the State submitted that the matter is purely civil in nature and a chance be given to the parties to settle their dispute amicably.

6. Learned counsel appearing on behalf of the respective parties, on instruction, submitted that to buy peace of mind, the parties want to settle the dispute amicably outside the Court and the parties have agreed to appear before the learned District Court on 13.01.2026 at 10:30 A.M.

7. Heard the parties.

8. Law in this regard is well settled by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673***, which is reproduced hereinafter::

"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."

9. In case of ***Usha Chakraborty v. State of West Bengal, (2023) 15 SCC 135***, while quashing the FIR therein and further proceedings based thereon, the Apex Court observed as under: -

'...the factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is essentially of civil nature.'

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

11. The dispute between the parties is purely civil in nature and the parties have willingly desired to appear before the learned District Court on 13.01.2026 at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

12. 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.

13. 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 four months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

14. In case of failure on the part of the petitioner to appear on 13.01.2026 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.

15. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy.

16. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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