

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61275 of 2025

Arising Out of PS. Case No.-6549 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Suresh Chaudhary Son of Late Sohrai Chaudhary Resident of Ramji Chak,
Hathuwa Clave, in front of Petrol Pump, P.S.- Digha, P.O-. Bataganj, District
-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Nikhil Upadhaya Resident of Ward No.13, Nayagaon,
P.S. and P.O. -Naya Gaon, District- Sharan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sushanta Kumar Das, Advocate Mr. Surboteswar De, Advocate Mr. Eesha, Advocate
For the State	:	Mr.Ajit Kumar, APP
For the informant	:	Ms. Ambrin Khan, Advocate Mr. Satya Prakash Narayan, Advocate Mr. Lalan Kumar, Advocate Mr. Subodh Kumar Barnwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2025 Heard learned counsel appearing on behalf of the

petitioner; Mr.Akbar Ali,, learned APP for the State and Mr.

Sanjay Kumar, learned counsel for the O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection
with complaint Case No. 6549 (C) of 2024 registered for the
offence(s) punishable under Sections 420, 406, 423, 463, 46,
468, 120B and 340 of the Indian Penal Code, corresponding to
Sections 318(4), 346(2), 322, 336(1), 2(6), 336(3), 61(2) and
3(5) of the BNS.



3. As per the allegation made in the complaint petition, the complainant, after negotiating with the petitioner and the co-accused, namely Dilip Rai and Manoj Bhagat, paid an amount of Rs. 17,50,000/- to the co-accused Dilip Rai for the purchase of a house, belonging to one Aditya Kumar Verma. Later on, the complainant came to know that the said house had been sold to someone else. When the complainant asked Dilip Rai, Manoj Bhagat, and the petitioner to return the aforesaid amount, they refused to do so.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case, being the party to the negotiation process. He further submitted that petitioner has nothing to do with the sale and purchase of the house in question and even as per the complaint petition, the payment of the aforesaid amount was made to co-accused Dilip Kumar. However, on instruction, learned counsel submitted that the matter is purely civil in nature and to buy peace of mind, petitioner wants to settle the dispute amicably outside the Court.

5. *Per contra*, Ms. Ambrin Khan, learned counsel has tendered her appearance on behalf of the O.P. No.2 (complainant) and submitted that petitioner and complainant are



well known to each-other and taking advantage of the same, the petitioner has deceived the O.P. No.2. Referring to the impugned order, she submitted that the learned District Court has also taken note of the fact that the complainant has given rupees nine lacs to the petitioner by way of cheque. However, she also submitted that O.P. No.2 has no objection, if petitioner wants to settle the dispute amicably outside the court.

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

7. Counsels for the respective parties on instructions, submitted that the petitioner and O.P. No.2 have agreed to appear before the learned District Court at 10:30 A.M. on 22.12.2025.

8. Heard the parties

9. Considering the nature of allegation made in the F.I.R. which has a civil flavour and the same *prima facie* don't disclose an overwhelming element of criminality. In the absence of the element of criminality, if both civil and criminal cases are allowed to continue, it will definitely amount to abuse of the process of law.

10. In this regard, I find it apt to refer the



observation made by the Apex Court in para-12 in 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."

11. 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.'

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

13. The dispute between the parties is purely civil in



nature and both the parties have willingly desired to appear before the learned District Court on 22.12.2025. at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

14. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after fixing a date for appearance of the petitioner and O.P. No.2.

15. Learned Mediator of the District Mediation Center concerned upon appearance of the parties on the fixed date 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 action shall be taken against the petitioner in connection with the aforesaid case.

16. 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 as referred above, the petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

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

18. 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 petitioner shall continue and the trial shall proceed in accordance with law.

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

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

(Purnendu Singh, J)

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