

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65486 of 2025

Arising Out of PS. Case No.-345 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Rasmita Panigrahi @ Rashmita Panigrahi @ Rashimata Panigrahi W/o-
Satyanand Panigrahi @ Satyananda Panigrahi R/o- Plot No-79, District
Centre, Chandrashekharapur, Ps- Chandrashekharapur Dist- Khorda State-
Odisha Bhubaneshwar, P/A- Kuans Jena Sahi Ps- Bhadrak Rural Dist-
Bhadrak Odisha, A/P- R/o- 112, Palm Estate, Aarey Colony Ps- Aarey Colony
Dist-Goregaon East, Maharasthra Mumbai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shruti Kumari, Proprietor, M/S Sri Thakur Ji Automobile, Chapra Village-
Mithwaliya Ps- Chapra Muffasil Block- Chapra Panch- Sarha, Chapra Dist-
Saran, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-09-2025 Heard Mr. Dheeraj Kumar, learned counsel

appearing on behalf of the petitioner; and Mr. Anuj Kumar

Shrivastava, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chapra Muffasil P.S. Case No. 345/2024 registered for the
offence punishable under Sections 406, 420, 467, 468, 471/34 of
the Indian Penal Code.

3. Learned counsel appearing on behalf of the
petitioner without going into the merits of the allegation and
manner in which the petitioner has allegedly been implicated in



the present case, relating to commission of fraud and forgery, being purely civil in nature, submitted that to buy peace of mind, the petitioner is ready to negotiate with the informant and willing to return back the amount as claimed by the informant outside the Court. He also informs that the husband of the petitioner is in custody.

4. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

5. Heard the parties

6. Considering the nature of allegation made in the F.I.R. and desire of the petitioner, I find that the matter can be resolved outside the Court by way of mediation, as petitioner is willing to return back the amount as claimed by the informant.

7. It is well settled that the allegations, even if having a civil flavor to them, must *prima facie* 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 the Court, which the Courts have always tried to prevent by putting a stop to any such criminal proceeding, where civil proceedings have already been instituted with regard to the same issue, and the element of criminality is absent.



8. 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. ...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.”(emphasis supplied)

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 preposition in recent judgment of ***S.N. Vijayalakshmi & Ors. Vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575***.

11. The petitioner is directed to appear before the



learned District Court on 17.10.2025 sharp at 10:30 AM.

12. Learned District Court is directed to take necessary steps in light of law laid down by the Apex Court in the interest of the parties and refer the matter before the learned Mediator of the District Mediation Center.

13. 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 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 17.10.2025 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.

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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