

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65491 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- GANDHIMAIDAN District- Patna

1. Jagdish Prasad S/o Late Gokul Prasad Resident of - Block C, Flat No. 304, Surya Disha Compound, Digha Ashiana Road, P.S - Rajeev Nagar, District - Patna, Pin Code - 800001
2. Ravi Patel S/o Jagdish Prasad Resident of - Block C, Flat No. 304, Surya Disha Compound, Digha Ashiana Road, P.S - Rajeev Nagar, District - Patna, Pin Code - 800001

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chola Mandlam Investment and Finance Company Ltd. Ground Floor, Ahluwalia Building, Exhibition Road, Patna through its Manager.
3. Jayant Kumar S/o Late Bidyur Kumar Regional Manager, Chola Mandlam Investment and Finance Company Ltd., Ground Floor, Ahluwalia Building, Exhibition Road, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-09-2025 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Gandhi Maidan P.S. Case No. 72 of 2025 registered for the offence(s) punishable under Sections 318(4), 316(2) of the



BNS.

3. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

4. Heard the parties.

5. Considering the nature of allegation, I find that 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. 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."

6. 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***

7. The parties are directed to appear before the learned



District Court on 26.09.2025 at 10.30am.

8. Learned District Court is directed to take necessary action to refer the matter before the learned mediator of the District Mediation Center.

9. 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 steps shall be taken against the petitioners in connection with the aforesaid case.

10. In case of failure on the part of the petitioners to appear on 26.09.2025 at 10.30am before the learned District Court, the interim protection granted to the petitioners shall automatically lose its force or in case he arrives at any amicable settlement in that case the learned District Court may take appropriate action in accordance with law.

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

12. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

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