

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65502 of 2025

Arising Out of PS. Case No.-255 Year-2025 Thana- LAKHISARAI District- Lakhisarai

Dolly Devi @ Doli Devi W/o- Gopal Singh Village- Barahiya Tola Ind W.No-
7, Ps- Barahiya Dist- Lakhisarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar II, Advocate
Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 18-09-2025 Heard Mr. Manish Kumar II, along with Mr. Aryan Singh, learned counsels appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioner apprehends her arrest in connection with Lakhisarai P.S. Case No. 255 of 2025 registered under Sections 420, 406, 120B, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner, along with identifier and witnesses, got the absolute sale deed registered in her name without giving the consideration amount. The sale deed is the part of the FIR. The executant name is Ram Chandra Singh. The format of the sale deed has been signed by the said executant. The informant has already filed Title Suit No. 23 of 2004 in this connection. The informant and the petitioner are agnates and the said piece of



land, registered in his name, got cancelled *vide* order dated 03.03.2023 passed in *Jamabandi* Cancellation Case no.29 of 2022, leading to the filing of the present FIR under Sections 420, 406, 120B, 34 of the Indian Penal Code.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and she has falsely been implicated in the present case. The land in question relates to Khata No.88 and Khesra No.19 measuring an area of 90 Dismil and Khata No.88, Khesra No.27 measuring an area of 28 Dismil (Total 1 acre 18 Dismil). The executant and the informant are agnates and they are descendant from different branch of their ancestor, namely, Mangni Singh. The fact that the said piece of land belongs to the same family and the petitioner is purchaser of the land from the informant, learned counsel referring to the Title Suit No. 23 of 2004 submitted that the said title suit, among the executant and the informant, is pending before the learned District Court. Learned counsel further informed that the petitioner, who is the purchaser of the land, has been implicated in the present case to give criminal colour to the case, which can be resolved amicably by settlement outside the Court. He informs that the petitioner is ready for mediation.



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

6. Heard the parties.

7. Having perused the FIR and allegation made therein I find that the dispute relates to illegal transfer of land of the informant. The petitioner and the informant are agnates, as informed by the Mr. Manish Kumar II, learned counsel appearing on behalf of the petitioner. It is well submitted that a complaint disclosing civil transactions may also have a criminal texture but the dispute essential is of a civil dispute.

8. The Apex Court passed in case of ***Paramjeet Batra v. State of Uttarakhand***, reported in ***(2013) 11 SCC 673***, wherein in paragraph no. 12, the 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.



9. 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.***

10. Considering the nature of allegation, I find that the matter can be resolved amicably outside the Court by way of mediation and the petitioner is directed to appear before the learned District Court on 07.10.2025 at 10.30am.

11. Learned District Court is directed to call upon the informant and thereafter take necessary steps to refer the matter before the learned mediator of the District Mediation Center.

12. 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 petitioner in connection with the aforesaid case.

13. In case of failure on the part of the petitioner to appear on 07.10.2025 at 10.30am before the learned District Court, the interim protection granted to the petitioner shall automatically lose its force and the District Court may take



appropriate action in accordance with law.

14. In case the parties fail to reconcile then in that case the learned District Court shall proceed with the trial.

15. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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