

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66668 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- SUGAULI District- East Champaran

Amit kumar sinha Sri Arya kumar Sinha @ Arya Sinha Resident of Village -
Chhapra Bahas, P.S. - Sugauli, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jauwad Hussain Son of Late Latif Mian Resident of Village - Parsa
Dumariya, P.S. - Majhauriya, Dist. - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar Verma, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, APP
For the Informant :	Mr. Sanjay Kumar Tiwari, Advocate
	Mr. Mohan Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-10-2025 Heard Mr. Abhishek Kumar Verma, learned counsel

appearing on behalf of the petitioner; Mr. Zainul Abedin,

learned APP appearing on behalf of the State and Mr. Sanjay

Kumar Tiwari, along with Mr. Mohan Kumar Tiwari, learned

counsels appearing on behalf of the Informant.

2. The petitioner apprehends his arrest in connection

with Sugauli P.S. Case No. 168 of 2025 registered under

Sections 319(2),318(4),338,336(3),340(2),341,351(3),3(5) of the

BNS.

3. As per the allegation made in the FIR, the

informant has alleged that the petitioner has cheated him by

taking a sum of Rs.12,50,000/- from him in order to execute sale

deed in his name, but later on, the same was found to be



disputed land, when the informant applied for mutation of the said land before the Circle Officer. The petitioner has not returned the aforesaid amount to the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Though the petitioner has not entered into any agreement with the informant, however, considering the fact that the matter is purely civil in nature, the petitioner, in order to buy peace of mind and to get rid of the criminal prosecution, is ready to settle the dispute amicably outside the Court.

5. Learned APP for the State submitted that the matter can be settled amicably outside the Court.

6. Heard the parties.

7. Considering the nature of allegation against the petitioner, I find that the matter can be resolved amicably outside the Court by way of mediation. Law also permits the settlement or to avail civil remedy. 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."

8. 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.***

9. The petitioner and o.p. no.2 are directed to appear before the learned District Court on 27.11.2025 at 10.30am.

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

11. 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.

12. In case of failure on the part of the petitioner to



appear on 27.11.2025 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.

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

14 Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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