

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70080 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

Shrawan Kumar S/o Nathuni Yadav R/o Village- Chadtra, P.S.- Keoti,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-09-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The present application has been filed for quashing
of order dated 09.07.2025 passed in TR No.3199 of 2025/CRI
No.3820 of 2024 arising out of Sadar PS Case No.200 of 2024
by ACJM-7, Darbhanga registered under Section 409 of IPC.

3. The allegation against the petitioner is that being a
highest bidder, the petitioner was given tender of Darbhanga
Bus Stand and he had to deposit Rs.1,52,05,000/- but he
deposited only Rs.82,96,265/- and Rs.69,08,735 is still due.

4. Learned counsel appearing on behalf of the
petitioner submitted that the learned ACJM 7, Darbhanga, in the
most mechanical manner, without applying his judicial mind



that the matter is purely civil in nature and without considering the material available on record, has cancelled the bail bond of the petitioner, *vide* order dated 09.07.2025, which cannot sustain in the eye of law. Learned counsel in this regard has relied upon the judgment of 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.

5. In the case of ***Usha Chakraborty Vs. State of West Bengal***, reported in (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.’

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. Petitioner is agreed to settle the dispute outside the Court and has willingly desired to appear before the learned District Court on 15.10.2025 at 10:30 AM.

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

10. In case of failure on the part of the petitioner to appear on 15.10.2025 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.

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

12. In case the parties resolve their dispute amicably,



then the proceeding is required to be dropped in light of the law
laid down by the Apex Court as referred hereinabove.

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

(Purnendu Singh, J)

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