

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.667 of 2025

Arising Out of PS. Case No.-2941 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Eragam Sunil Reddy Son of Ellaa Reddy Eragam, Resident of Plot no. 580, Road No. 32, Jubilee Hillas Shaik Pet, Hyderabad, PS- Jubilee Hills, Dist- Hyderabad, State Telangana, Managing Director of Palladium Infrastructure and Project Ltd. a Registered Company having its Registered office at Flat No. G-2, Block No. 8, Hillridge Springs, ISB Road, Gotchbowali, Hyderabad
 2. M/S Palladium Infrastructure and Project Ltd. a registered Company, having its registered Office at Flat No.G-2, Block No. 8, Hillridge Springs ISB Road, Gotchbowali, Hyderabad represented through Chandragiri Satish working as Account Executive, Palladium Infrastructure and Project Ltd, son of Chandragiri Rajaiah, Resident of village- 1-6-45, Jubli Market, Beside Market Kazipet, VTC Hanamkonda, Po- Kazipet, Sub Dist- Hanmakonda, Dist- Warangal, State Andhra Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruby Devi, Proprietor of M/S Badal Enterprises XTTI, Ganesh Hall Road Digha, PS- Digha, Patna Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2.The present application has been filed for quashing
the entire criminal proceeding arising out of Complaint Case
No.2941 (C) of 2018, registered under Sections 420 and 406 of
the IPC and Section 138 of N.I.Act but vide order dated
11.09.2019, the cognizance has been taken under Sections 138



of N.I. Act by the learned J.M. Ist Class against Sri Sunil Reddy, Managing Director and M/S Palladium Infrastructure & Projects Ltd.

3. As per the allegation made in the complaint petition, the complainant, who is the proprietor of M/s Badal Enterprises, a firm engaged in supplying building materials, has alleged that she supplied building materials in the premises of Patna High Court through the accused persons amounting to ₹3,54,78,702/- and in return, the accused persons gave a cheque of ₹75,00,000/- towards part payment, which was subsequently dishonoured due to "stop payment" instructions.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned Judicial Magistrate Ist class, Patna, in the most mechanical manner, without applying her judicial mind that the matter is purely civil in nature and without considering the material available on record, has taken cognizance against the petitioner *vide* order dated 11.09.2019, 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. Both the parties agreed to settle the dispute outside the Court and have willingly desired to appear before the learned District Court on 26.09.2025 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 petitioners to appear on 26.09.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners 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)

chn/-

U		T	
---	--	---	--

