

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5772 of 2024

Arising Out of PS. Case No.-545 Year-2020 Thana- SHEKHPURA District- Sheikhpura

Ata Karim son of Late Syed Mazhar Hassan Village- lalbag, Ward No.15,
P.S.- Sheikhpura, Dist.- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nahid Yasmin Wife of Md. Juyauddin Village- Ahiyapur, P.S.- Seikhpura,
Dist.- Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-09-2025 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
the order dated 01.09.2023 passed in Sheikhpura P.S.Case
No.545 of 2020, registered for the offence punishable under
Sections 419 and 420 of IPC, by the learned CJM, Sheikhpura.

3. As per the allegation made in the FIR, the
informant (O.P.no.2) entered into an agreement with the
petitioner to purchase property measuring 2600 sq.ft. and paid
Rs.13,00,000/- on different dates but the petitioner refused to
execute the sale-deed.

4. Learned counsel appearing on behalf of the
petitioner submitted that the learned C.J.M., Sheikhpura, 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 taken cognizance against the petitioner *vide* order dated 01.09.2023, 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 petitioner 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 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)

chn/-

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

