

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13886 of 2026

Arising Out of PS. Case No.-299 Year-2022 Thana- COMPLAINT CASE - BIRAUL AT
BENIPUR District- Darbhanga

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1. Shama Parween W/o Shamse Alam @ Pappu R/o Vill. - Bheriahi, P.S. - Keoti, Dist. - Darbhanga.
 2. Shamse Alam @ Pappu Son of Md. Zaffer R/o Vill. - Bheriahi, P.S. - Keoti, Dist. - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishat Anjum W/o Asgar Ali Khan R/o Village and Post. - Ahilwara, P.S. - Biraul, Dist. - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kedar Jha, Advocate
For the Opposite Party/s:		Mr.Mohammed Arif, APP
For the Informant	:	Mr.Nilendu Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-05-2026 Heard Mr. Kedar Jha, learned counsel appearing on behalf of the petitioners and Mr. Mohammed Arif, learned APP for the State, as well as, Mr. Nilendu Kumar Choudhary, learned counsel appearing on behalf of the Informant.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 299/2022 registered for the offence(s) punishable under Sections 420,406,120B,34 of the IPC and Section 138 of Negotiable Instruments Act.

3. The prosecution case, in brief, is that the complainant alleged that despite receiving the consideration amount for sale of land, the accused persons neither executed the sale deed nor refunded the money, and one cheque issued towards re-



payment was dishonoured due to insufficient funds, leading to institution of the complaint case under Section 420 I.P.C. and Section 138 of the N.I. Act.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case. Learned counsel further submitted that there are no ingredients constituting an offence under Section 420 of the Indian Penal Code, and the allegations, even if taken at their face value, do not make out a case of cheating. The matter primarily relates to monetary transaction between the parties and for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

5. *Per contra*, learned counsel appearing on behalf of the Informant and learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

6. Learned counsel appearing on behalf of the petitioners, on instructions, submitted that the petitioners have agreed to appear before the learned District Court at 10:30 A.M. on 22.05.2026.

7. Heard the parties

8. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation



made in the F.I.R., I am of the opinion that an opportunity is required to be given to the parties to settle their score amicably outside the Court and the Opposite Party No. 2 is permitted to seek exemption from personal appearance, and his learned counsel shall be permitted to represent him on each and every date fixed before the learned Mediator.

9. In this regard, I find it apt to take note of the observation made by the Apex Court in 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."

(emphasis supplied)

10. The Apex Court has reiterated the aforesaid proposition in recent judgment of ***S. N. Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC***



Online SC 1575.

11. The petitioners have willingly desired to appear before the learned District Court on or before 22.05.2026, so that the matter can be referred to the District Mediation Centre.

12. Learned District Court is directed to issue notice to O.P. No.2 and take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”.

13. Learned Mediator of the District Mediation Center concerned, upon appearance of the parties, 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 three months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.

14. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court as referred hereinabove, the petitioners are required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

15. In case of failure on the part of the petitioners to appear on 22.05.2026 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.

16. In case, it is deliberate on the part of the complainant to reconcile, then in that case, the interim protection granted to the petitioners shall continue and the trial shall proceed in accordance with law.

17. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioners are directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

18. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, if any, which they have lodged against each other.

19. With aforesaid direction and observation, the present application stands disposed of.

20. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

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