

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17945 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- KHAIRA District- Jamui

1. Rakesh Kumar @ Pintu Singh, aged 36 years (male), son of Late Bachchu Singh, resident of Village – Tihiya, Police Station – Khaira, District – Jamui (Bihar)
2. Shivam Kumar, aged about 20 years (male), S/o Late Pawan Singh, resident Village – Mahindarpur, Police Station – Hathidah, District – Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18773 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- KHAIRA District- Jamui

Mantu Singh, aged about 40 years (male), son of Late Bachchu Singh, resident of Village- Tihiya, Police Station – Khaira, District – Jamui (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17945 of 2023)

For the Petitioner/s : Mr. Saket Gupta, Advocate
For the State : Mr. Shailendra Kumar, APP
For the Informant : Mr. Pankaj Kumar Sinha, Advocate

(In CRIMINAL MISCELLANEOUS No. 18773 of 2023)

For the Petitioner/s : Mr. Saket Gupta, Advocate
For the State : Mr. Shyameshwar Dayal, APP
For the Informant : Mr. Pankaj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL JUDGMENT

Date : 01-05-2026

Heard learned counsel for the petitioners, learned counsel for the Informant and learned Additional Public Prosecutor for the State.



2. Petitioners seek quashing of the FIR of Khaira P.S. Case No. 445 of 2022 dated 17.11.2022 instituted for the offences under Sections 341, 323, 445, 379, 506 and 504 read with Section 34 IPC pending before the concerned Court, Jamui.

3. The allegation against the petitioners is of assault while entering into the house and committing dacoity in the house of the informant. Further allegation is that one of the Petitioners, Mantu Singh had purchased the adjacent land of the informant and he was creating obstacles. The petitioners of Cr. Misc. No. 17945 of 2023 are brothers of Mantu Singh and they are working as Advocate Clerks in Patna High Court and the petitioner, Mantu Singh of Cr. Misc. No. 18773 of 2023 is the purchaser of the land.

4. Learned counsel for the petitioners submits that they have brought on record the case earlier filed by them and Section 107 Cr.P.C. proceeding was contested between the parties. The case thus turns out to be purely a case of land dispute which is being given criminal colour for creating pressure upon them. It is further accentuated by the fact that the informant is said to have filed Title Suit No. 98 of 2023 which was dismissed under order VII Rule XI on 24.01.2024. Learned counsel for the petitioners has relied upon the judgment of Hon'ble Supreme Court rendered in the case of *Indian Oil Corporation vs. NEPC India Limited and*



Ors. reported in **(2006) 6 SCC 734**. The relevant paragraph 13 reads as under:-

“13. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. In G. Sagar Suri v. State of U.P. [(2000) 2 SCC 636 : 2000 SCC (Cri) 513] this Court observed: (SCC p. 643, para 8)

“It is to be seen if a matter, which is essentially of a civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice.”

5. Learned counsel for the petitioners further relies on the judgment of Hon’ble Supreme Court rendered in the case of **Mohd. Ibrahim vs. State of Bihar** reported in **(2009) 8 SCC 751**. The relevant paragraph 8 reads as under:-



"8. This Court has time and again drawn attention to the growing tendency of the complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes. But at the same time, it should be noted that several disputes of a civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes. (See G. Sagar Suri v. State of U.P. [(2000) 2 SCC 636 : 2000 SCC (Cri) 513] and Indian Oil Corpn. v. NEPC India Ltd. [(2006) 6 SCC 736 : (2006) 3 SCC (Cri) 188]) Let us examine the matter keeping the said principles in mind."

6. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the FIR of Khaira P.S. Case No. 445 of 2022.

7. In such view of the matter, the present prosecution is nothing but an abuse of the process of the Court. In view of the aforesaid decisions of Hon'ble Supreme Court as well as in the light of Hon'ble Supreme Court decision rendered in the case of ***State of Haryana & Ors. v. Ch. Bhajan Lal & Ors*** reported in ***1992 Supp (1) SCC 335***, the FIR of Khaira P.S. Case No. 445 of 2022 dated 17.11.2022 instituted for the offences under Sections 341, 323, 445, 379, 506 and 504 read with Section 34 IPC pending



before the concerned Court, Jamui is quashed so far as the petitioners are concerned.

8. Accordingly, both the present petitions are allowed.

Pending Interlocutory Application(s), if any, stands disposed off.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

