

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40509 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- SHASTRINAGAR District- Patna

Vijay Kumar Singh Son Of Surendra Kumar Singh Resident Of House No 62
Road No 4 Rajeev Nagar, Ps- Rajiv Nagar, District- Patna, Designated Partner
Of Aditya Niwas Developers Llp, A Body Corporate Having Registered
Office At Road No. -4, Rajiv Nagar, Ps- Rajiv Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Surendra Kumar Singh Son Of Late Prithvi Raj Singh Resident Of Lallu
Seth Chowk, Sarvodaya Nagar, A.G. Colony, Ps- Shastri Nagar, District-
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Raj Kishor Singh, APP
For the O.P. No. 2	:	Mr. Apurva Harsh, Adv. Mr. Manu Tripurari, Adv. Ms. Jaya Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 31-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the O.P. No. 2.

2. The present application has been filed for quashing
of the FIR Shastri Nagar P.S. Case No. 52 of 2023, dated
13.01.2023 lodged under the provisions of Sections 406, 420,
465, 468, 471, and 120B of the Indian Penal Code.

3. The short facts of the case arising out of the written
report is that in the year 2018, the petitioner, who is a builder,
had proposed to build a residential premises on a plot of land
belonging to the O.P. No. 2 and had got a development
agreement registered in the year 2019. It has been alleged that at



the time of getting the agreement registered, the petitioner had assured of getting work completed within six years but he defrauded the informant and caused wrongful loss to him by producing forged documents.

4. Learned counsel for the petitioner has submitted that the present case arises out of a dispute between the builder and the land owner and the F.I.R. has been lodged making false and baseless allegation against the petitioner. It has further been submitted that the dispute is civil in nature, entails civil consequences, and that despite the availability of alternative remedies, a shortcut method of filing a criminal case has been employed.

5. Be that as it may, further submission of the learned counsel for the petitioner relates to the fact that parties to the proceedings have compromised the matter and affidavit to such effect has been filed by both sides and the supplementary affidavit dated 16.6.2025 has been filed in the form of a joint affidavit bearing signature of both the petitioners and the O.P. No. 2. It has been clearly stated in the said affidavit that both the parties have compromised the matter willingly, voluntarily and happily without any undue pressure or coercion and good relations have been restored. On account of joint compromise,



the parties have, thus, settled their dispute/grievances amicably and now both of them do not want to proceed further in the present case or any other case lodged against each other. A list of cases has also been enumerated in the paragraph number 8 of the said affidavit and the present case which is Shastri Nagar P.S. Case No. 52 of 2023, dated 13.01.2023, features under the clause A of paragraph 8.

6. Learned counsel for the opposite party No. 2 supports the factum of compromise between the parties and has no objection if the criminal prosecution arising out of the said FIR is quashed.

7. The issue with regard to quashing of criminal proceedings with respect to offenses which are private in nature, which have no serious impact on society, involving settlement/compromise between the victim and the offender, has been settled by various judicial pronouncements to the extent that even non-compoundable offense can be quashed by exercising the power of 482 Cr.P.C. Such fact has been clearly rendered by the Hon'ble Apex in the case of ***Gian Singh Vs. State of Punjab*** reported in ***(2012) 10 SCC 303***, wherein it has been held that High Court within the framework of its inherent power upon coming to a finding that continuation of such



criminal proceedings would be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, ought to be exercised and by not quashing such criminal proceedings, justice itself would become a casualty.

8. This Court would also gainfully refer to a judgment of Hon'ble Supreme Court in case of *Naushey Ali vs. State of U.P.*, reported in *(2025) 4 SCC 78* wherein it has been observed that in cases where parties have amicably resolved their dispute, the ends of justice require that any such settlement between the parties must be given effect to by quashing of the proceedings. The fact that a criminal proceedings involving disputes which are overwhelmingly and civil in character arising out of private transactions, where the parties have amicably resolved their disputes, the Hon'ble Supreme Court has laid down even very recently in the case of *Mange Ram Vs. State of Madhya Pradesh and Anr. [2025 INSC 962]* and also in case of *Suresh C. Singal & Ors. Vs. State of Gujarat & Ors. (Cr. Appeal No. 3862 of 2024)*, that such criminal proceedings should not allow to be continued.

9. Taking into consideration the fact that the present case involves a private dispute between the parties which has



now been settled and in view of the Judgment of the Hon’ble Supreme Court, the present application for quashing of FIR i.e. Shastri Nagar P.S. Case No. 52 of 2023, dated 13.01.2023 is allowed and the present F.I.R, which is under challenge, is quashed.

10. Accordingly, the application is allowed.

(Soni Shrivastava, J)

Harsh/-

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