

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69047 of 2025

Arising Out of PS. Case No.-463 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Md. Shahid Akhtar S/O Late Amantullah R/O - Hasanganj, P.S.- Hasanganj,
Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Vilas Vishwakarma S/O Late Harivansh Vishwakarma R/O Durgapur
(Binodpur),P.S.- Nagar, Dist.- Katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the complainant	:	Ms.Durga Kumari, Advocate
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-02-2026 Heard Mr.Sanjeev Kumar Singh, learned counsel

appearing on behalf of the petitioner; Ms.Durga Kumari, learned
counsel for the complainant and Mr. Kumar Veerendra Narayan,
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with CA Case No.463 of 2022, registered under Sections 120B,
420 and 468 of IPC.

3. As per the allegations made in the complaint
petition, the petitioner cheated a total sum of Rs.30,11,000/-
from the complainant and failed to execute the sale deed in
favour of the complainant



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. He further submitted that the matter primarily relates to monetary transaction between the parties and for amicable settlement of dispute between the parties outside the Court, the matter can be referred for mediation.

5. Learned APP appearing on behalf of the State and learned counsel for the informant submitted that a chance may be given for amicable settlement of the dispute outside the court.

6. Learned counsel appearing on behalf of the parties, on instructions, submitted that the parties have agreed to appear before the learned District Court at **10:30 A.M. on 17.03.2026.**

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 FIR, I am of the opinion that an opportunity is required to be given to the parties to settle their score amicably outside the Court.

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 parties have willingly desired to appear before the learned District Court on 17.03.2026, so that the matter can be referred to the District Mediation Centre.

12. Learned District Court is directed to 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 petitioner 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 petitioner is 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 petitioner to appear on 17.03.2026 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.

16. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioner 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, petitioner



is 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.

(Purnendu Singh, J)

chn/-

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

