

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68939 of 2025

Arising Out of PS. Case No.-515 Year-2024 Thana- KATIHAR COMPLAINT CASE Dis-
trict- Katihar

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Sandeep Anand Son of Late Suchindranath Sah @ Suchindra Nath Saha R/o
Naya Tola, Mirchaibari Near Satsang Mandir, P.S. - Sahayak District - Kati-
har.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zainul Abdin Son of Late Md. Ekramul Haque R/o Village - Hajipur, P.S. -
Muffasil, Dist. - Katihar.

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vinay Ranjan, Advocate
For the Comp. : Mr.Satish Chandra Mishra, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-02-2026 Heard Mr. Vinay Ranjan, learned counsel appearing

on behalf of the petitioner; Mr. Satish Chandra Mishra, learned

counsel for the complainant and Mr. Raj Kishor Singh, learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No.515 of 2024, registered under Section
420 of IPC.

3. As per the allegation made in the complaint
petition, the petitioner approached the complainant to sale a
piece of land and the complainant paid Rs.61,51,000/- to the
petitioner as the consideration amount, in the meantime, the



petitioner came to know that a Title Suit No.1 of 2023 is pending in the court of the learned Sub Judge I, Katihar, which has not been disclosed in the sale-deed.

4. Mr. Vijay Ranjan, learned counsel appearing on behalf of the petitioner submitted that from the very nature of the allegation, which has been alleged against the petitioner, it appears that the same is of civil dispute and the petitioner is ready to negotiate with the complainant, as the complainant is aggrieved by the transaction, which took place between the parties.

5. Mr. Satish Chandra Mishra, learned counsel, who has tendered his appearance on behalf of the complainant and he has submitted that it is admitted fact that after receiving the consideration amount, the petitioner has not executed the sale deed in favour of the petitioner. Learned counsel further submitted that the petitioner knowingly has deceived the complainant and the element of Section 420 IPC is made out against the petitioner. As such, the petitioner does not deserve to be released on pre-arrest bail.

6. Learned counsel appearing on behalf of the petitioner 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.

7. 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.

8. 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.**

9. Heard the parties.

10. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the complaint petition, I am of the opinion that an opportunity is required to be given to the parties to settle their score amicably outside the Court.

11. 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)

12. 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*.

13. 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.

14. 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”.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

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



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

(Purnendu Singh, J)

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