

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69906 of 2025

Arising Out of PS. Case No.-3577 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Diwakar Kumar Singh S/o- Rishikesh Prasad Singh R/o- Bhilaipur Ps-
Meenapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranvir Singh S/o- Rama Singh R/o- Neerala Nagar Ps- Digha Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajkumar Rajesh, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For the O.P. No.2	:	Mr.Sachin, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 24-02-2026 Heard Mr. Rajkumar Rajesh, learned counsel

appearing on behalf of the petitioner; Mr. Ajit Kumar, learned

APP appearing on behalf of the State and Mr. Sachin, learned

counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 3577(C) of 2022 registered under
Sections 406 and 506 of the Indian Penal Code.

3. As per the allegation made in the complaint,
petitioner entered into an agreement with the complainant to sell
land measuring 6 bighas 10 kathas 6.921 dhurs at Rs. 1,49,000/-
per katha, representing it to be his purchased land, and received
Rs. 40,00,000/- (including Rs. 25,00,000/- as advance), but



executed a sale deed for only 10 kathas. Subsequently, the complainant allegedly learnt that the accused had entered into agreements with third parties in respect of the remaining land on the basis of false and fabricated documents. Upon request for execution of the sale deed for the balance land or refund of the amount, the petitioner refused and allegedly threatened the complainant with dire consequences.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the case. The criminal proceedings arising out of Complaint Case No. 3577(C)/2022, in which cognizance was taken under Sections 406 and 506 IPC, have been initiated without proper appreciation of facts and in misuse of the criminal process. Learned counsel further submitted that the agreement in question was executed under due authority of the landowner and the dispute, even if taken at its face value, pertains purely to alleged non-compliance of contractual obligations and recovery of money. A settlement dated 25.05.2022 was arrived at in the presence of witnesses, pursuant to which 160 dismil of land valued at Rs. 55,00,000/- was executed in favour of the complainant/his nominees, though only Rs. 35,00,000/- has been paid, and the balance of Rs.



25,00,000/- was agreed to be paid through cheques. Learned counsel submitted that despite executing land of higher value on credit basis and relying upon the complainant's assurance, the complainant failed to honour the cheques and complete the transaction for the remaining land within the stipulated period. In view of the dishonour of the cheques issued towards the balance consideration amounting to Rs. 25,00,000/-, the petitioner filed Complaint Case No. 3028/2022 before the competent court, Muzaffarpur. The initiation of the present criminal proceeding by the complainant, despite the pendency of the aforesaid case arising out of the same transaction, is *mala fide*. 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 APP appearing on behalf of the State and learned counsel for the O.P. no.2 jointly 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 12.03.2026.

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 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.

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.***

12. The parties have willingly desired to appear before the learned District Court on or before 12.03.2026, so that the matter can be referred to the District Mediation Centre.

13. 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”.

14. 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.

15. 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.

16. In case of failure on the part of the petitioners to



appear on 12.03.2026 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.

17. 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.

18. 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.

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

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

(Purnendu Singh, J)

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