

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Crl. Petn. No.27 of 2025

For Petitioner(s) : Mr. R. Nath, Advocate.
For Respondent(s) : Mr. R. Saha, Addl. P.P.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

14.08.2025

[1] Heard Mr. R. Nath, learned counsel appearing for the petitioners also heard Mr. R. Saha, learned Addl. P.P. appearing for the respondent-State.

[2] This is a petition filed under Section-482 of Cr. P.C. for setting aside and quashing the complaint vide CR No.11 of 2024 pending before the learned Judicial Magistrate, 1st Class, Kailashshar, District: Unakoti under Sections-211, 409, 420 and 34 of IPC against the accused petitioners.

[3] The petitioners have prayed for the following reliefs:

- "i. Admit this instant petition.
- ii. Call for the records and case proceedings of CR 11 of 2024 pending before the Ld. Judicial Magistrate, 1st Class.
- iii. Notify the respondents.

AND

- iv. After hearing both sides be pleased to quash the criminal complaint bearing CR. No.11/2024 pending before the Ld. Judicial Magistrate, 1st Class, Kailashahar, Unakoti, and all proceedings emanating therefrom, in exercise of this Hon'ble Court's inherent powers under Section-482 of Cr. PC.

AND

- v. Pending hearing and final disposal of the instant case, this Hon'ble High Court may be pleased to stay the further proceedings of the case vide CR 11 of 2024."

[4] The facts in brief are that one Monju Gopal Das filed a written complaint before the Judicial Magistrate, 1st Class, Kailasahar, Unakoti that he is the sole proprietor of business namely M/S Kumarghat Bonded Warehouse and he came into contact with the aforementioned accused company for distributorship and for supply of goods i.e. beer in the state of Tripura wherein, the said company had appointed the complainant as the distributorship of the goods of the company and the said distributorship had been extended from time to time by mutual consent. Pursuant to the goods that have been supplied, the said company had raised invoices upon the complainant from time to time and subsequently, a meeting was convened at Sonar Tori Hotel between the company's regional head

Mr. Vivek Sanakr and the accounts officer along with the complainant and it was decided therein, that the complainant shall be appointed as the solo wholesale distributorship of their products in Tripura.

[5] As per the decision of the meeting, the complainant gave the said company two blank cheques bearing cheque numbers vide 044352 and 044353 which were undated for security with a condition that the said cheques will be placed after obtaining clearance from the company and after the said cheques were given, a written receive copy was obtained by the complainant on 10.10.2018. Accordingly, in course of the business, the accused company sent products and bills for the same for the period between 15.03.2018 till 03.12.2018 and the complainant made payments through bank; Rs. 50,00,000/- on 17.05.2018, Rs. 30,00,000/-on 21.06.2018 and Rs. 29,35,000/- on 05.01.2019. It is contended by the complainant that he had made some excess payment to the company.

[6] Subsequently, a legal notice was sent to the complainant by the said company dated 10.11.2020 through their engaged advocate for effecting the payment of Rs. 76,73,635/- and it was stated that the accused company, without any prior intimation, had placed the cheques bearing cheque No. 044352 for a payment of Rs. 76,73,635/- only at State Bank of India, Branch-Suncity Business Tower, Golf Course road, Sector 54, Gurugram, Haryana for collection and the said cheque bounced due to insufficiency of funds and reply was also sent by the complainant. Pursuant to the said notice regarding misunderstanding and to mitigate the situation but despite such reply, the said company filed a false case against the accused petitioner under Section-138 of the NI Act before the learned Elaka Magistrate, Gurugram, Haryana vide NACT-94781/2021.

[7] It is further alleged that the said company had allegedly accumulated the said amount of Rs.76,73,635/- by raising 13 invoices against the complainant which have already been paid by the complainant and it is alleged that the accused company along with other associates put a false and frivolous amount in the said cheque for the purpose of extorting money and subsequently, on receipt of the said complaint, the same was registered as CR 11 of 2024 before the learned Judicial Magistrate, 1^a Class, Kailasahar, Unakoti.

[8] Hence, the present petition has been filed before this Court by the petitioners for redress.

[9] In view of above and having heard the learned counsel appearing for the parties, this Court is of the opinion that the ends of justice for the present would be met and accordingly direct the petitioners to approach the concerned Court below and surrender themselves on or before 15.09.2025 and file appropriate bail application and on receipt of such application, the learned Court below shall consider the same as per procedure and on such terms and condition bail shall be granted without delay.

[10] Interim orders granted earlier in this petition stands vacated and the learned Court below may proceed with matter as per law. Both parties shall cooperate with the proceedings.

[11] In view of above direction, the present petition stands disposed of. As sequel, miscellaneous application, pending if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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