

22.02.2021
Mithun
Sl. No.07.
D/L.
Ct.No.42

CRR/343/2021

Spotoffers Online Solution Private Limited & Ors.
Vs.
State of West Bengal & Anr.

Mr. Aneek Pandit, Adv,
Ms. Sudeshna Bagchi, Adv.
Mr.Pinaki Brata Ghosh, Adv.
Ms.Sonakshi Mitra, Adv,
Ms.Satyaki Mitra, Adv,
Mr.Manas Mandal, Adv.

...the Petitioners.

Mr.Dipanjan Chatterjee, Adv.
Mr.Kaushik Dey, Adv.,
Mr.Triptimoy Talukder, Adv.

...for Respondent No.2.

Md.Madhusudan Sur, Ld. A.P.P.,
Mr.Manaranjan Mahata, Adv.

...for the State.

This is an application for quashing of a proceeding
now pending before the learned Chief Judicial Magistrate,
Barrackpore, North 24 Parganas under Section 406/506/34
IPC.

Mr.Anik Pandit, learned Advocate representing the
petitioner advertizing to the copy of the order allowing the

petitioner under Section 156(3) of Cr.P.C. submits that the learned Court below has mechanically passed the order without making any application of his mind as there has been reference in the petition of complaint that without recording any information under Section 154 of the Cr.P.C. the petitioner was compelled to take recourse to Court for obtaining desired relief.

Mr.Pandit further contends that there is absolutely no material to justify the prosecution under Section 406 of the IPC, because there has been no entrustment of the property, which may subsequently be converted to the own use of the petitioner. It is further contended that for the settlement of dues being arrears of salary, there cannot be a prosecution under Section 406/506/34 IPC.

Mr. Sur, learned Advocate representing the State submits that the investigation of this case is at nascent stage and extensive investigation is necessary to unearth the truth behind the contention, as depicted in the FIR.

Mr. Sur further submits that since the investigation is going on, the Court should refrain from interfering with the ongoing investigation just to stifle a legitimate prosecution.

Mr. Chatterjee representing the Private Opposite Party No.2, after adopting the submission, made by Mr. Sur proposes that the proposed quashment should not be

acceded to bearing in mind that the investigation is at initial stage.

Petitioner No.3 is on bail.

Upon perusal of the petition of complaint, it appears that the entire substratum of the prosecution is founded upon a dispute between the employer and employee, which was aggravated during the lock down period.

When investigation is going on at this stage, the Court is of the view that it should refrain from interfering the ongoing investigation, so as to allow the proposed quashment. Investigation should be provided with sufficient time to collect materials, if there be at all. At this stage, it is not appropriate to embark upon an enquiry to ascertain the genuineness of the complaint, and its legality also. Everything will be best adjudicated looking into the materials to be collected during the course of investigation. In that view of the matter, there is hardly any scope to suffer any prejudice by any of the parties involved in this case.

Having considered the rival submission of the parties and bearing in mind the initial stage of investigation, the revisional application may be disposed of with a direction upon the investigating agency to expedite the same and submit the outcome of investigation within a reasonable period of time. This order is recorded without touching the

merits of the case, and without prejudice to the rights and contentions of the petitioner in the matter.

The revisional application is, thus, disposed of with this observation.

(Subhasis Dasgupta, J)