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C.R.R. No.621 of 2020
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Vijay Bothra & Anr.
Versus
State of West Bengal & Anr.

Mr. Sabyasachi Banerjee,
Mr. Srinjoy Sengupta.
...for the petitioners.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.
...for the State.

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee.
...for the opposite party no.2.

The instant case being Bhowanipore Police Station Case
No.521 of 2018 dated 12.12.2018 was registered for investigation
under Sections 120B/420/506/509 of the Indian Penal Code.

The sum and substance of the allegations are to the
effect that the defacto complainant associated with M/s. OPA
Investments Private Limited had given interest bearing loans to
another company being M/s. Urvee Vinyas Nidhi (Trust) and
Kohinoor Paper and Newsprint Private Limited. The later company
is being owned and controlled by the present petitioners. The FIR
itself reflects that a sum of Rs. 15 lakhs, 12 lakhs and 9.50 lakhs
were paid in the year 2011 by Ms. Asha Agarwal and Ms. Sonam
Agarwal to Urvee Vinyas Nidhi (Trust) and Kohinoor Paper & News

Print Pvt. Ltd. by OPA Investment Pvt. Ltd. respectively, aggregating to a sum of Rs.36.50 lakhs with a promise that the present petitioners would pay 14% interest.

It has been stated that up to the year 2017 the dues accumulated to Rs.45,02,598/-. According to the complainant, the accused persons on being asked for refund, threatened of dire consequences. The grievance of the complainant is that the accused persons in conspiracy and collusion with each other had cheated his family of Rs.45 lakhs.

Earlier reports were called for from the concerned police station and the report reflects that from time to time amounts have been paid which may not be to the satisfaction of the complainant. The complainant has stressed on the issue of principle and interest which accrued for withholding of the principal amount.

I have perused the FIR, considered the tenor of allegations and having regard to the basic requirements of cheating and other allied offences referred to in the formal FIR, is of the opinion that a case of investigation by the police authority has not been made out.

Accordingly all further proceedings arising out of Bhowanipore Police Station Case No.521 of 2018 dated 12.12.2018 is hereby quashed.

Mr. Rajdeep Majumder, learned advocate appearing for the complainant/opposite party no.2 submits that there are documents in his custody which would reflect the causes of deceit and willful misrepresentation at the instance of the petitioners. If

the complainant is able to prima facie satisfy the court by filing an application under Section 200 of the Code of Criminal Procedure, the jurisdictional court would independently consider the same in view of the documents which have been placed before the concerned court.

With the aforesaid observations, CRR 621 of 2020 is allowed.

Pending applications, if any, are consequently disposed of.

Interim order is made absolute.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)