

CRR 775 of 2020
(Via video conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : Binod Kumar & Anr.

.....Petitioners

Mr. Baidurya Ghosal
Ms. Aatreyee Duttafor the petitioners

Mr. P. Sinha Royfor the O.P. No. 2

Md. Anwar Hossain
Ms. Sreyashee Biswasfor the State

Md. Hossain, learned advocate appears for the State.

Mr. Ghosal, learned advocate appearing for the petitioners challenges the continuance of the proceedings under Section 420/120B of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia in connection with Complaint Case No. 180C of 2019.

Mr. Sinha Roy, learned advocate appearing for the opposite party no. 2 submits that during the pendency of the revisional application, the dues which have been referred to, have already been paid and as such the complainant is not interested to pursue the litigation.

Be that as it may, I have perused the allegations made in the petition of complaint, there were continuous transactions for two financial years of more than one crore thirty lakhs and there were dues to the extent of four lakhs ninety three thousand.

Having regard to the manner in which process has been issued in the instant case for recovery of dues, I am of the opinion that there has been gross abuse of the process of law.

Accordingly, all further proceedings relating to the Complaint Case No. 180C of 2019 under Section 420/120B of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia, is hereby quashed.

All orders passed therein as such is liable to be set aside.

Accordingly, the revisional application being CRR 775 of 2020 is allowed.

Pending application, if any, is consequently, disposed of.

Interim order is made absolute.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)