

D/L 19
March 8,
2022
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C.R.R. No.1735 of 2018

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure filed in connection with Durgapur Police Station Case No.256/18 dated June 16, 2018 under Sections 323,331,387,409 and 34 of Indian Penal Code, 1860;

Arindom Modak & Anr.
Versus
State of West Bengal & Anr.

Mr. Sabir Ahmed,
Mr. Sayak Ranjan Ganguly,
Ms. Asha Mehta.
...for the petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

The petitioners have challenged the proceedings relating to Durgapur Police Station Case No.256 of 2018 dated June 16, 2018 under Sections 323, 331, 387, 409 and 34 of the Indian Penal Code. The initiation of the case was on the foundation of an application under Section 156(3) of the Code of Criminal Procedure filed before the learned ACJM, Durgapur.

The petitioners happen to be the officers of Tata Capital Housing Finance Limited with whom the complainant had an interaction for loan. The dissatisfaction of the complainant is regarding the loan not being granted according to his own terms. There are some allegations which have been made by the

complainant, but I do not find from the four corners under Section 156(3) of the Code of Criminal Procedure that any transaction was effected between the parties or the officers of the company have benefited in any manner or the other. Mere reckless allegations have been made in this case for invoking jurisdiction of the learned Magistrate for a direction upon the police authorities to investigate a case and for registration of the FIR.

Having regard to the nature of the allegations made in the application under Section 156(3) of the Code of Criminal Procedure which is the foundation of the FIR of Durgapur Police Station Case No.256/18 dated June 16, 2018, I am of the opinion that the allegations considered on its entirety do not make out any offence so far as the present petitioners are concerned. Accordingly, further continuance of the same is an abuse of the process of the court and the same is required to be quashed.

Accordingly, all further proceedings arising out of Durgapur Police Station Case No.256/18 dated June 16, 2018 including all orders passed therein subsequent to the registration of the FIR are hereby quashed.

Thus, CRR No.1735 of 2018 is allowed.

Pending application, if any, is consequently disposed of.

Interim order is hereby 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.)

