

05.12.2022
Item No. 19
BR

CRR 4390 of 2007
With
CRAN 1 of 2021

In the matter of : Pradeep Arora

Mr. Soubhik Mitter,
Mr. Avishek Sinha For the appellant

Mr. N.P.Agarwal,
Mr. Pratick Bose ... for the State

This application under Section 482 of the Cr P C challenges the proceeding being C Case No. 3642 of 2005 pending before the learned Metropolitan Magistrate, 8th Court, Calcutta.

Briefly stated the opposite party no. 2 Suresh Dhanuka filed a petition before the learned Chief Metropolitan Magistrate , Calcutta which was forwarded to the Sheakespeare Sarani P.S. under Section 156 (3) of the Cr P C and Sheakespeare Sarani P.S. Case No. 153 dated 13th May, 2005 was registered. Police took up investigation and submitted final report stating, inter alia, that no ingredient of offence within the meaning of Section 406/409/420/120B of Indian Penal Code was found in course of investigation. The

informant Surekha Dhanuka then took out a petition of complaint which was considered under Section 200 of Cr P C and learned 8th Court of Municipal Magistrate , Calcutta was pleased to issue process upon the petitioner Pradeep Arora having found prima facie case under Section 406/418/420/120B of the Indian Penal Code . Mr. Arora surrendered to the jurisdiction of the learned trial Court. Drawing my attention to the content of the petition of complaint Mr. Soubhik Mitter, learned counsel representing the petitioner submits that the petitioner Pradeep Arora is a businessman by profession who introduced Mr. Harsha Vardhan Tiwary to Mr. Dhanuka the complainant and that Mr. Arora did not play any role beyond that introduction. Business transaction had taken place between Mr. Tiwari and Mr. Dhanuka once Mr. Arora introduced each other. There is nothing to indicate that Mr. Arora gained wrongfully by such act of introducing the complainant Suresh Dhanuka to Mr. Harsha Vardhan Tiwary or from any transaction between them. It is very common place in business community that one business man is getting introduced to another businessman through the third person also by profession a businessman. Role of Pradeep Arora appears to be Limited to getting Mr. Surekha Dhanuka , the opposite party no. 2 introduced

to Mr. Harsha Vardhan Tiwary sometime in the month of March, 2003.

In my humble opinion such act cannot make the petitioner culpable for committing any offence under Section 406/409/420 and 120B of the Indian Penal Code . The criminal proceeding if is allowed to remain in force , it would amount to abuse of process of law and should be quashed as against Pradeep Arora, which I accordingly do. Criminal revision is thus disposed of.

Let a copy of the order be sent to the learned trial Court for information and necessary action. Application if any stands disposed of with the disposal of revisional application.

Urgent photostat certified copy of this order, if applied for, be given for the parties on the usual compliance with the rules.

(Siddhartha Roy Chowdhury, J.)