

19.10.2023

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CRR 275 of 2018

In the matter of : Kamal Nagia.

.... petitioner.

Mr. Soumajit Chatterjee, Id. *Amicus Curiae*

.... for the petitioner.

Mr. Kaushik Gupta

... for the O.P. No.2.

Mr. Bidyut Kumar Ray

... for the State.

The instant revisional application has been filed for quashing of the proceedings of Burrabazar Police Station Case No. 110 of 2009 dated 26.05.2009 corresponding to G.R.No. 881/09 under Sections 420/406/120B of the Indian Penal Code pending before the learned Additional Chief Metropolitan Magistrate, Calcutta.

Heard the submissions of the learned *Amicus Curiae*, learned advocate for the State and opposite party No.2.

The dispute between the parties initiated on non-payment of certain amount of money which fell due in connection with business transactions. As pre-condition certain money was to be paid prior to the dispatch of the materials. From the averments in the revisional application it appears that the dispute concerns an amount of Rs. 14,84,640. The parties were acquainted with each other and had entered into the business transaction involves the amount to be paid by account payee cheque. The initial amount of transaction was to the tune of Rs.16,19,640 which was reduced to the extent of

Rs. 14,84,640 subsequently. Presumably the differential amount may have been paid and such reduction in the claim amount has not been explained in the petition.

The dispute between the party appears to be civil in nature and to allow to continue with the trial will be an abuse of process of law.

The instant revisional application is allowed.

The proceedings being Burrabazar Police Station Case No. 110 of 2009 dated 26.05.2009 corresponding to G.R.No. 881/09 under Sections 420/406/120B of the Indian Penal Code pending before the learned Additional Chief Metropolitan Magistrate, Calcutta is quashed.

Copy of the order be sent to the Department as well as learned trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)