

11.04.2023

Item No.79
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1233 of 2021

**Manish Pranal Mehta @ Manish Bhogilal Mehta & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure.

Mr. Arindam Sen,
Mr. Saurav Basu,
Mr. Asit Bera ... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Debjani Sahu ... For the State.

Report submitted by Mr. Arijit Ganguly, learned advocate appearing for the State be kept with the record.

The present revisional application has been preferred challenging the proceedings which included the charge-sheet submitted in connection with Haridevpur Police Station Case No. 571 of 2020 dated 19.11.2020 under Sections 504/506/509 of the Indian Penal Code.

The present case was initiated pursuant to a complaint lodged by one Lalit Chakraborty against the present petitioners both being the partners of Bhogilal & Sons having its office at 117A, C. R. Avenue, Kolkata for threatening him in respect of loan amount of rupees two crores with alleged criminal intimidation, force and extortion. According to the complainant, the accused persons were forcing the complainant to take loan of rupees two crores from Kotak Mahindra Bank and one loan officer of the said Bank was continuously communicating with him for submitting

relevant documents for disbursing such loan of rupees two crores. As the pressure surmounted, the complainant was compelled to borrow loan amount of rupees two crores from the Bank so that the said amount was extorted by the accused Manish Mehta. It has been alleged by the complainant that the accused had earlier also sent hooligans to his house who threatened his wife in his absence. The accused person and his associates were creating immense pressure which resulted in mental stress, depression and a sense of extreme fear within his wife and other female member. Due to such repeated threatening and criminal behaviour, the complainant requested the police authorities to take steps and on or about 18.10.2020, the accused, in fact, had compelled him to take such loan in spite of his objection. On or about 16.11.2020, in the evening hours, the accused persons forcefully came to his house and abused him and his wife in vulgar languages and also approached his daughter with an intention of molesting. On raising protest, the accused persons became furious. The complainant alleged that the accused persons have committed offences under the relevant provisions of law and the police officers should take steps against them.

I have perused the case diary which included the charge-sheet particularly, apart from the complainant, the statements of the witnesses being Tapas Chakroborty, Swarnali Chakroborty and Anarima Chakroborty being cited as chargesheeted witness Nos. 2, 3 and 4 respectively. The statement of Tapas Chakroborty so recorded reflects that on

or about 16.11.2020, Pranal Mehta and others came to their residence and abused the complainant and his wife. They also threatened that in case, their money is not returned, they will see the complainant. Such contention is repeated by Swarnali Chakroborty as also Anarima Chakroborty. I have considered the thread of allegations made in the letter of complaint and the materials/evidence collected by the Investigating Officer in support of his report under Section 173 of the Code of Criminal Procedure. On an assessment of the materials, it reflects that there were dues which were unpaid. There could have been business relationship between the parties which failed. However, from the consistent statements of the witnesses, it is transparent that the present case was initiated for the purpose of creating pressure upon the accused persons for not demanding refund of their money. The aforesaid satisfied parameters laid down in the case of ***State of Haryana Vs. Bhajan Lal*** reported in ***AIR 1992 SC 604*** wherein it has been stated that if a case has been instituted for the purpose of wreaking vengeance for private or personal gain, the case of such nature is liable to be quashed.

Having regard to the principle laid down in ***State of Haryana Vs. Bhajan Lal*** (supra) and considering the background of the present case including its contents and the supporting materials collected by the investigating agency, I am of the opinion that further continuance of the said proceedings would be an abuse of the process of the court. Consequently, all further proceedings arising out of

Haridevpur Police Station Case No. 571 of 2020 dated 19.11.2020 including the charge-sheet submitted therein are hereby quashed.

Accordingly, the revisional application being CRR 1233 of 2021 is allowed.

Pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)