

03.07.2023
Sl.No. 58
Ct. 33
Amalranjan

CRR 2848 of 2011

Re: The Manager, Kotak Mahindra Bank Ltd. and anr.

The instant revisional application has been filed for quashing of the proceeding being Misc. Case No. AC 472 of 2009 pending before the learned Additional Chief Judicial Magistrate at Alipore under Section 406 of IPC.

Despite service of notice none appears for the parties.

The dispute between the parties relating to the nonpayment of installments with regard to a loan agreement. A Consumer complaint was also filed before the Consumer Redressal Forum, Kolkata, Unit-I being D.F Case 54 of 2009. A proceeding has also been initiated under Section 138 of the Negotiable Instruments Act, 1881.

The parties knowingly entered into a transaction and the ingredients to satisfy the proceedings under Section 406 IPC does not exist.

Under such circumstances, the instant revisional application is allowed and the proceedings being Misc. Case No. AC 472 of 2009 pending before the learned Additional Chief Judicial Magistrate at Alipore be quashed.

Let a copy of this order be communicated to the learned trial court for information and necessary action.

(Ananya Bandyopadhyay,J.)