

CRR 3527 of 2011

01.12.23

Sl-49

Ct.33

(S.R.)

In the matter of : Bijit Kumar Roy & Ors.

... petitioners.

Mr. Sayan De

Mr. Sayan Kanjilal

Mr. Abhijit Mondal

... for the petitioners.

Mr. Narayan Prasad Agarwala

Mr. Pratick Bose

... for the State.

The instant revisional application has been filed for quashing of the proceedings being Complaint Case No.299C/2010 under Sections 406/504/506/417 of the Indian Penal Code, which is pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah.

The opposite party no.2 had filed a complaint against the present petitioners, *inter alia*, stating that one Rose Construction Company during the period of 2005 to 2007 set up one medicine manufacturing unit at an expenditure of about Rs.28,59,484/- . The accused persons i.e. the present petitioners after completion of the construction work entrusted to the complainant/opposite party failed to pay a sum of Rs.18,60,757/- and delayed the payment of residual amount of Rs.9,98,727/- on various pretexts. On 23rd January, 2010, the complaint/opposite party was abused and threatened by one of the accused person, namely, Sandip Nandi, who was infuriated and denied to pay the remaining amount, as aforesaid, in the presence of his lawyer and threatened the clerk with dire consequences. The complainant/opposite party was refused by the local police station to lodge any complaint against

the illegal activities of the accused person, which prompted the opposite party/complainant to intimate the Sub-divisional Police Officer, Uluberia, District Magistrate, Howrah and Chandipur Gram Panchayat on 24th July 2010. The Additional Chief Judicial Magistrate, Uluberia, Howrah by an order dated 29th May, 2010 took cognizance of the offence and issued summons against the accused/petitioners under Sections 406/504/506/417 of the Indian Penal Code. Subsequently, the complainant/opposite party filed a similar complaint being Complaint Case No.457C/2010 under Sections 406/504/417/120B of the Indian Penal Code. The petitioners further contended that the bills raised by the opposite party/complainant were exaggerated and not commensurate to the amount of work done by them.

The dispute between the parties as appeared from the petition as well as the annexed documents is purely commercial in nature. Several transactions have been dealt by and between the parties and the dispute is civil in nature. Moreover, the complainant has expired as per the report of the Inspector-in-charge, Uluberia Police Station, Howrah Rural District dated 03.08.2023, which is already on record.

Under such circumstances, the instant revisional application being devoid on merit on the basis of the Complaint Case No.299C/2010 pending before the learned Chief Judicial Magistrate, Uluberia Police Station, Howrah is quashed.

(Ananya Bandyopadhyay, J.)