

CRR 4061 of 2011

In the matter of : Pravash Ghosh

Mr. Biswajit De
Mr. Arindam Jana
Ms. Mallika Manna ... for the petitioner

Mr. B.K. Panda
Ms. Puspita Saha ... for the State

Mr. Subhasis Roy
Mr. Biplab Dey ... for O.P. No. 2

This application under Section 482 of the Cr.P.C. has been filed by the petitioner seeking an order of quashment of the proceeding being G.R. Case No. 65 of 2010 arising out of Chandrakona Town P.S. Case No. 22 of 2010 dated 25.2.2010 under Sections 417/420 of the Indian Penal Code.

Heard the learned advocates for the parties.

It is submitted at the bar that the opposite party no. 2 is the proprietor of Tirupati Electronics and in course of business transaction he supplied certain materials amounting to Rs.5,30,000/- out of which he received part payment of Rs.1,00,000/-. Two cheques were issued by the institute in discharge of such debts. Those were presented and dishonoured. Thereafter opposite party no. 2 approached the officer-in-charge of Chandrakona Town P.S soliciting his *“intervention for recovery of money from Mr. Pravas Ghosh founder chairman of Institute of Science and Technology Chandrakona Town, Paschim Midnapore.”*

Upon perusal of the said written information Annexure –‘E’ at page 27 which formed the part of F.I.R. 22 of 2010, I find that information received by officer-in-charge does not disclose any offence cognizable in nature which is the essential condition for a police officer to register F.I.R.

Upon perusal on materials of record and having heard the learned counsel representing the respective parties, I find that it is basically a civil dispute and by taking recourse of criminal law an attempt has been made to get money recovered which amounts to an abuse process of law.

I am inclined to invoke the provision of Section 482 of Cr.P.C. to quash the proceeding.

The revisional application is disposed of.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)