

17-08-2023
Court No.3
mg/3.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.R.R. 129 of 2019

**CROMPTON GREAVES CONSUMER
ELECTRICALS LIMIED AND ORS.
Vs.
State of West Bengal & Anr.**

Mr. Ayan Chakraborty
Ms. Bedashruti Bose
... for the petitioner.

Mr. Kishan Lal Lohia
Mr. Deborshi Dhar
... for the opposite party

Mr. Aditi Shankar Chakraborty
Mr. Abhijit Sarkar
...for the State

The instant application is filed for quashing the proceedings of complaint case being CR Case No. 1240 of 2018 under Sections 406/470/384/418/420/477A/120B of the Indian Penal Code, 1860 pending before the Court of Judicial Magistrate, First Court, Siliguri. It is submission of learned Counsel for the petitioner that this criminal prosecution is a counter blast to a prosecution initiated by the present petitioner against the

opposite party no.2 under Section 138 of the Negotiable Instrument Act, 1888. It is contended that the allegations are false and frivolous and is only a ploy to shield oneself from criminal prosecution.

Learned Counsel for the State submitted that this is not a fit case for exercise of jurisdiction under Section 482 of the Code of Criminal Procedure since it involves decision on complicated question of facts, claims and counter claims. Learned Counsel appearing for the opposite party no.2 submitted that there are allegations of tearing off and stealing leaves from the cheque book by the present petitioner.

I have heard rival contentions.

It is clear that the case involves complicated questions of fact which cannot be decided as of now. Points, counter points and entangled facts cannot be considered and decided in exercise of jurisdiction under Section 482 of the Code of Criminal Procedure. None of the allegations are baseless, absurd or impossible.

Therefore, this Court refrains from exercising jurisdiction under Section 482 of

the Code of Criminal Procedure and the instant application along with pending applications stand dismissed and disposed of.

(SUGATO MAJUMDAR, J.)