

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 2538 of 2025

Ritick Shaw & Anr.

Vs.

State of West Bengal

For the petitioners : Mr. Fazlur Rahman

Mr. Babul Hussain

Mr. Mihinur Hossain

For the State : Mr. Suman De

Ms. Baishakhi Chatterjee

Heard on : 24.07.2025

Judgment on : 24.07.2025

Jay Sengupta, J.:- This is an application for quashing of a proceeding in ADPC Cyber Crime Police Station Case no. 35/25 dated 26.04.2025 under Sections 316(2)/318(4)/319(2)/336(3)/338/340(2)/61(2) of the BNS and Sections 20 and 21 of the Indian Telegraph Act.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are absolutely innocent and have been falsely implicated in this case. One of the petitioners was issued notices during

investigation and they are ready to cooperate with the investigation of the case. No *prima facie* case is made out as would be evident from a plain reading of the First Information Report and any further continuation of impugned proceeding shall be an abuse of the process of law.

Learned counsel appearing for the State vehemently opposes the prayer for quashing.

From a plain reading of the First Information Report, it appears that allegations have been levelled against the accused for running an illegal call-centre in order to cheat people from different States of India. The accused used to collect customer's database from different online shopping companies. When the customers got trapped they charged for GST and other deposit amounts. They used several online sites for such purpose. No valid document could be produced for running such call-centre. From the place of occurrence, a huge number of mobile phones, ATM cards, Laptops, SIM cards and diaries of online shopping sites were collected.

The petitioner no. 1 was termed as the mastermind behind this and his associates were operating by either staying abroad and in other parts of the country.

It appears from the documents annexed that relevant seizures were also made and the police was looking for the suspects.

Therefore, it appears from a plain reading of the First Information Report that a *prima facie* case is made out against the petitioners and the investigation is at a nascent stage.

The claims of the petitioners that they are innocent and have been falsely implicated are essentially disputed questions of fact, which cannot be decided in an application for quashing.

Therefore, I do not find any merit in this application for quashing.

Accordingly, the same is dismissed, however, without any order as to costs.

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

(Jay Sengupta, J.)