

25.3.2025
Sl.28
Nandita
Court No.40

C.R.R. 4252 of 2024

In Re: - An application under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2024 and Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the proceeding being Case No. CS-106843 of 2023 under Sections 406/420/120B of the Indian Penal Code, 1881, pending before the Ld. 5th Court of Judicial Magistrate at Calcutta

And

**Maxo Products & Ors.
Vs.
Bajaj Finance Limited**

Mr. Abhirup Chakraborty,
Mr. Tuhin Ganguly
.... For the Petitioners

None appears for the respondent. On previous occasion also none appeared for the respondent.

This is application under Section 528 of BNSS, 2024 and Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the proceeding being Case No. CS-106843 of 2023 under Sections 406/420/120B of the Indian Penal Code, 1881, pending before the Learned 5th Court of Judicial Magistrate at Calcutta.

The learned Trial Court took cognizance of the offence after preliminary examination of the complainant, namely, Palash as well as Mohit Kumar Varma. The statement of witness does not reveal any culpability on the part of the present petitioners which constitute a criminal offence. It is a case of non-payment of loan which is civil in nature. The Learned Trial

Court passed an order taking cognizance without considering the actual value of evidence and without application of mind. Therefore, the above mentioned proceeding namely, Palash as well as Mohit Kumar Varma stands quashed.

Copy of this order be communicated to the learned Trial Court.

The instant Criminal Revision stands disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)