

CRR 3607 of 2018

**Jullundur Motor Agency (Delhi) Limited
Vs.
The State of West Bengal & Anr.**

1. Despite the matter having been taken up for consideration and even upon a second call, none appears on behalf of the petitioner, nor is any accommodation prayed for.
2. The records reflect that the petitioner was last represented on 22nd April, 2019. Further, the report of the Assistant Registrar-XII dated 13th November, 2025, confirms that the notice upon the petitioner has been duly served.
3. Considering the protracted pendency of this application and the conspicuous lack of diligence and sustained interest on the part of the petitioner to prosecute the matter, this Court is constrained to dispose of the application on the basis of the materials available on record, in the interest of justice.
4. This revisional application is directed against the order dated 17th September, 2018, passed by the learned Chief Metropolitan Magistrate (CMM), Calcutta, in connection with Case No. C/144/18, whereby the learned Magistrate declined the prayer of the petitioner for initiation of investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) against the Opposite Party No. 2.
5. The petitioner, being Jullundur Motor Agency (Delhi) Limited, a former employer, had approached the Magistrate with allegations of cheating and misappropriation against the Opposite Party No. 2,

Biplab Dey, a former employee. The core of the dispute, as discernible from the petition and the correspondences between the parties, relates to a financial discrepancy in the customer ledger accounts arising subsequent to the employee's resignation, essentially involving an outstanding amount due as part of the full and final settlement.

6. The learned CMM, in the impugned order, found that the dispute was purely civil in nature, stemming from a contractual obligation between the employer and the employee, and that the narrative lacked the requisite criminal ingredients to constitute any offence, thereby warranting the dismissal of the application under Section 156(3) Cr.P.C.
7. Upon perusal of the impugned order and the underlying facts, this Court is in complete agreement with the finding recorded by the learned Magistrate. The dispute is clearly one of accounts and alleged breach of terms of service, which cannot be converted into a criminal prosecution merely by inserting nomenclature of criminal offences where the foundational facts fail to establish a *prima facie* case of criminal conspiracy, cheating, or misappropriation.
8. There is no manifest perversity, illegality, or jurisdictional error in the impugned order dated 17th September, 2018, which would necessitate the exercise of this Court's revisional jurisdiction.
9. Accordingly, the revisional application is found to be devoid of merit and is liable to be dismissed on the materials available on record.
10. The instant Criminal Revisional Application is dismissed.

11. The connected application, if any, is accordingly disposed of.
12. Any interim order granted earlier in this proceeding stands vacated.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)