

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 4441 of 2022

Bholanath Shaw

Versus

The State of West Bengal & Another

For the Petitioner : Mr. Sudipto Maitra, Ld. Sr. Adv.
Mr. Vijay Verma, Adv.
Mr. Dwaipayan Biswas, Adv.

For the State : Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Pramanick, Adv.

Heard on : 27.11.2025

Judgment on : 27.11.2025

Ajay Kumar Gupta, J:

1. Supplementary affidavits enclosing copy of letter dated 24th February, 2020 and affidavit of service filed by the petitioner in Court today, are taken on record.
2. The instant Criminal Revisional application has been filed by the petitioner under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the G. R. Case No. 1280 of 2022 arising out of Beliaghata P. S. Case No. 51 of 2022 dated 20.05.2022 under Sections 406/420/506(ii) of the Indian Penal Code, 1860, now pending before the learned Chief Judicial Magistrate, Sealdah, South 24 Parganas.

FACTS OF THE CASE

3. The brief facts of this case are that the petitioner is the sole proprietor of M/s. Mina Furniture, dealing in the business of mainly manufacturing windows and doors for houses as well as trading of wood. On the basis of his long-standing business transaction with the opposite party no. 2/Rajgaria Timber Pvt. Ltd., the opposite party no. 2, allegedly supplied some timber to him on different dates, as per the petitioner's order of supply.
4. Subsequently, a dispute arose between the parties with regard to the alleged outstanding dues of a sum of Rs. 87,25,512/- only. For recovery of such outstanding dues, the opposite party no. 2 has sent

letters as well as legal notice to the petitioner. The petitioner replied to the letter as well as legal notice and further denied and disputed the alleged dues, even though it was admitted in the reply that there was a due of Rs. 10,05,898/- only.

5. In his reply, the petitioner also requested the opposite party no. 2 to sit and finalise the disputes regarding alleged outstanding dues, after verifying of the book of accounts, including the purchase bills and bank statements. Despite such a request, the opposite party no. 2 lodged a written complaint on 18.05.2022 resulted in registration of FIR being Beliaghata P. S. Case No. 51 of 2022 dated 22.05.2022 under Sections 420/406/506(ii) of the IPC against the present petitioner. Hence, this Revisional application.
6. During the pendency of this case, the Investigating Agency filed charge sheet being C. S. No. 6/2025 dated 25.01.2025 under Sections 406/520/506(ii) of the IPC against the present petitioner.

ARGUMENTS ON BEHALF OF THE PETITIONER

7. Mr. Maitra, learned senior counsel representing the petitioner, submits that the allegation against the petitioner for committing offences punishable under Sections 406/520/506(ii) of the IPC is totally false. No such outstanding dues remain pending on the part of the petitioner, even though it is an admitted fact that there was long long-standing business transaction with the opposite party no. 2 and

payments have been made regularly. This transaction is a commercial dispute between the petitioner and the opposite party no. 2. However, the complainant tried to colour it into a criminal offence, though the petitioner is innocent. Not only that, but the complainant also filed a Civil suit being CS Case No. 223 of 2022 before the Hon'ble High Court, for recovery of the alleged outstanding dues amounting to Rs. 87,25,512/-.

- 8.** The learned counsel further draws attention to a letter dated 24th February, 2020, annexed in the supplementary affidavit, that the Chartered Accountant appointed by the State Bank of India, Overseas Branch, Kolkata, as an auditor to audit the stock and receivables of M/s. Rajgoria Timber Pvt. Ltd. indicates that a sum of Rs. 12,06,000/- was outstanding from the petitioner's company as on 31.12.2019.
- 9.** Finally, he prays for the quashing of the proceeding since the complaint is purely civil in nature. No ingredients, whatsoever, are available with regard to the alleged offence in the complaint or even the charge sheet against the present petitioner.
- 10.** Mr. Sur, learned APP for the State places the case diary.
- 11.** None appears on behalf of the opposite party no. 2 despite second calls.

FINDINGS AND ANALYSIS OF THIS COURT

12. Having heard the arguments and submissions of the learned counsels for the respective parties and upon perusal of the case diary, it is apparent that no ingredients or evidence of criminal offence punishable under Sections 406/520/506(ii) of the IPC has been fulfilled against the petitioner, save and except commercial transactions and outstanding dues between the parties.
13. The dispute is regarding the outstanding dues of the goods supplied to the petitioner by the opposite party no. 2. The opposite party no. 2 also disputed the dues and admitted only to an outstanding amount of about Rs. 10 lakhs. Such disputes can be decided by the Civil Court upon following prescribed procedures.
14. Considering the above facts and circumstances of the case, it appears that the dispute cannot be converted into a criminal offence.
15. The law relating to the power of the High Court to interdict criminal proceedings where the dispute is essentially civil has been settled beyond doubt in the landmark case of ***State of Haryana & Ors. vs. Bhajanlal & Ors.***¹. In this case, the Hon'ble Supreme Court has laid down the basic points for consideration pursuant to which a complaint may be entertained in accordance with law before a Court of law. The Hon'ble Court has narrated as to when the extraordinary

¹ AIR 1992 SUPREME COURT 604 : 1992 Supp. (1) Supreme Court Cases 335

power of this Court under Section 482 of the Code of Criminal Procedure, 1973 may be espoused. Relevant portion thereof may beneficially be quoted herein below: -

“102. This Court in the backdrop of interpretation of various relevant provisions of CrPC under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an*

order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

16. Further, in the case of **G. Sagar v. State of U.P.**², the Hon’ble Supreme Court held that where the dispute between parties is purely commercial or contractual in nature, and the ingredients of cheating or criminal breach of trust are absent, the continuation of criminal proceedings amounts to an abuse of process of law.
17. In the light of the above discussions made by this Court and in view of observations made by the Hon’ble Supreme Court in the above-cited judgments, this Court is fully satisfied that this case falls in the Categories mentioned in (1), (3) and (5) above.

² (2000) 2 SCC 636

18. Accordingly, **CRR 4441 of 2022** is **allowed**. Connected pending application, if any, is also disposed of.
19. Consequently, the Proceeding being G. R. Case No. 1280 of 2022 arising out of Beliaghata P. S. Case No. 51 of 2022 dated 20.05.2022 under Sections 406/420/506(ii) of the Indian Penal Code now pending before the learned Chief Judicial Magistrate, Sealdah, South 24 Parganas is hereby quashed.
20. Let a copy of this Judgment be sent to the Learned Court below for information.
21. Interim order, if any, stands vacated.
22. Case Diary, if any, be returned to the learned counsel for the State.
23. Parties shall act on the server copies of this Judgment uploaded on the official website of this Court.
24. Urgent photostat certified copy of this Judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)