

17.06.2026
Item no.7
Ct. No.237
AKG

**C.R.R. 3695 of 2025
With
CRAN 1 of 2026
Surman Ali Mandal
Vs.
The State of West Bengal & Anr.**

Mr. Subhabrata Chowdhury

.....for the Petitioner

Mr. Sandeep Prasad Shaw

...for the State

Mr. Bibhashan Bhattacharya,
Ms. Payel Shome,
Mr. Swaraj Naskar

...for Respondent No. 2

By way of the present application, the petitioner seeks quashing of the proceedings arising out of Ratua Police Station Case No. 109 of 2020 dated 25 February 2020, registered under Sections 417, 420, 468, 473, and 34 of the Indian Penal Code.

The said police case was registered on the basis of a complaint lodged by Opposite Party No. 2, who, inter alia, alleged that the petitioner, on the assurance of securing appointments as Group-D staff in the Department of Animal Resources Development for his wife and other relatives, induced him to part with a sum of Rs. 18 lakh.

It was further alleged that the petitioner had also collected an aggregate amount of Rs. 68 lakh from various persons at different points in time on the promise of procuring government employment for them.

The complaint further alleges that Opposite Party No. 2 handed over certain purported documents to the petitioner's family members and other persons, representing the same to be appointment letters. Subsequently, it was discovered that all such appointment letters were forged. When Opposite Party No. 2 and his family members exerted pressure upon the petitioner for refund of the money, the petitioner issued several cheques, all of which were dishonoured upon presentation.

Upon completion of the investigation, the police submitted a charge sheet under Sections 417, 420, 468, 473, and 34 of the Indian Penal Code before the jurisdictional Magistrate.

Learned counsel appearing on behalf of the petitioner, however, submits that the petitioner and Opposite Party No. 2 had been engaged in a joint business venture for a considerable period of time. It is contended that, in the course of such business dealings, Opposite Party No. 2 made payments to the petitioner from time to time, and vice versa. It is further submitted that, for recovery of the alleged dues, Opposite Party No. 2 has already instituted a civil suit alleging non-payment of money arising out of the said business transactions.

It is also submitted that, in the charge sheet, the de facto complainant has himself been arraigned as an accused.

This Court, however, finds no justification for entertaining the present application for quashing. A plain reading of the complaint as well as the charge sheet prima facie discloses the commission of the alleged offences by the petitioner.

There is no scope, in the present proceeding, to examine the veracity of the submissions advanced on behalf of the petitioner. In an application seeking quashing of criminal proceedings, this Court cannot embark upon an adjudication of disputed questions of fact, which can only be determined during the course of trial.

In view of the aforesaid, this Court is also not inclined to entertain the prayer for transfer of the present proceedings to any other court. The contention advanced on behalf of the petitioner is that Opposite Party No. 2 is an influential person who may exert influence during the trial.

No material has been placed before this Court to substantiate such an assertion. Merely because Opposite Party No. 2 was allegedly associated with the minority cell of the erstwhile ruling political party, it cannot be presumed that he is presently in a position to influence the trial proceedings.

Accordingly, **CRR 3695 of 2025** along with **CRAN 1/2026** is disposed of.

(Kausik Chanda, J.)