

**28.01.2026**  
**Item No.13**  
Ct.22.  
Suman

**CRR 2918 of 2018**

**Vinod Kumar Khetawat And Anr.**  
**-Vs-**  
**The State of West Bengal and Anr.**

1. The matter has been called on for hearing, yet none appeared on behalf of the petitioners or the opposite parties, nor any accommodation is prayed for, even upon the second call.
2. A review of the record reveals a persistent pattern of non-appearance. The petitioners were last represented on November 14, 2025. Despite the service of administrative notices—duly verified by the report of the Assistant Registrar-XII dated November 13, 2025—the parties have consistently failed to assist the Court. In a justice system burdened by significant pendency, such litigative apathy cannot be overlooked. This Court, having provided ample opportunity for representation, now deems it necessary to adjudicate the matter on the basis of the materials available on record to ensure the ends of justice are not defeated by indefinite delay.
3. This application seeks the quashing of C Case No. 401 of 2017, currently pending before the Learned 4th Judicial Magistrate at Alipore. The

dispute arises from a commercial relationship initiated in 2009 involving the supply of waste paper and allied materials.

4. The petitioners contend that they supplied goods worth approximately ₹25.91 Crores to the opposite party company. While ad-hoc payments were made, the petitioners claim an outstanding balance of ₹1,21,06,682.08, exclusive of interest. Following a statutory demand notice and the filing of a winding-up petition (C.P. No. 803 of 2015) under the Companies Act, the respondent company initiated the present criminal proceedings.
5. The criminal complaint (C Case No. 401 of 2017) alleges offenses under Sections 209, 406, 193, and 120B of the Indian Penal Code. The complainant company alleges that the petitioners raised inflated invoices, supplied substandard materials, and engaged in malpractices, leading to a breakdown of business relations in 2014.
6. The petitioners move for quashing on the premise that the criminal case is a "malicious afterthought," designed to exert undue pressure in a purely commercial dispute. However, the threshold for quashing under Section 482 of the Cr.P.C is high. A court must only intervene if the

allegations, even if taken at face value, do not disclose the commission of an offense.

7. Upon a thorough examination of the complaint and the accompanying documents, this Court finds that the Learned Magistrate took cognizance after evaluating the initial evidence. While the dispute possesses a clear commercial character, it also contains specific allegations of criminal breach of trust and conspiracy that require a trial for factual determination.
8. The Court finds no patent illegality, impropriety, or jurisdictional error in the proceedings initiated by the Trial Court. The mere existence of a parallel civil or company proceeding does not act as an automatic bar to criminal prosecution if the elements of a crime are *prima facie* visible.
9. In light of the parties' continued absence and the lack of compelling grounds to interfere with the lower court's process, this Court finds no merit in the present petition.
10. Accordingly, CRR No. 2918 of 2018 is hereby dismissed.
11. All interim orders, if any, stand vacated.
12. The Trial Court is directed to proceed in accordance with the law.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Uday Kumar, J.)**