14.10.2026
SL No.15
Ct No. 42
SB

CRR 2786 of 2017

Sri Aloke Sutradhar & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Ooiseeroop Sinha
Mr. P. Karan Singh … for the State

1. None appears on behalf of the petitioners today nor is any accommodation sought for on their behalf. Petitioners remained unrepresented even on the last occasion.
2. It also appears from the report submitted by the State that the petitioners have been duly intimated about the pendency of the matter before this Court.
3. In view of such reluctance of the petitioners to appear in this matter, I think it proper to dispose of the present revisional application on the basis of the materials already available with the record.
4. The Petitioners filed the present revisional application under Section 482 of the Code of Criminal Procedure, seeking quashing of the criminal proceedings of the Complaint Case No. 38906/17, pending before the 19th Court of the Learned Metropolitan Magistrate, Calcutta, under Sections 406, 418, 506 of the Indian Penal Code *inter alia*, on the grounds that the criminal proceeding pending against them is not maintainable as the allegations in the complaint are false, concocted and frivolous and that the prosecution was initiated on the basis of complaint by suppressing the material facts.

5. Perused the order of the learned Chief Metropolitan Magistrate, Calcutta whereby he had taken cognizance of the offences under Sections 406, 418 and 506 of the IPC against the petitioners on the basis of the complaint filed by the opposite party no. 2. Thereafter, I have also perused the statement of complainant / opposite party no. 2 under Section 200 Cr.P.C., as recorded by the 19th Court of the learned Metropolitan Magistrate, Calcutta vide order dated 10.7.2017, wherefrom it appears that the learned Trial Judge, after satisfying that *prima facie* case under Section 406 IPC has been made out against the petitioners, has issued summons to them under Sections 406, 418 and 506 of the IPC.
6. *Prima facie*, I do not find anything in the impugned criminal proceeding, which would amount to abuse of the process of the Court, as such the prayer of the petitioner for quashing of the said impugned criminal proceedings of Complaint Case No. 38906/17 under Section 482 of the Cr.P.C. is refused.
7. Accordingly, C.R.R. 2786 of 2017 is dismissed.
8. Connected pending application being CRAN 1 of 2017 (Old CRAN No. 4777 of 2017) for extension of interim order, is also disposed of accordingly.
9. Interim order, if any, stands vacated.
10. There shall be no order as to costs.
11. Department is directed to communicate a copy of this order to the learned Trial Court for necessary information.
12. Urgent Photostat certified copy of the order, if applied for, be supplied to the parties, upon compliance of all prerequisite formalities.

(Uday Kumar, J.)