

532.

Ct.29

21.01.2026
Bd.

CRR 3902 of 2025

Niladri Das
-vs-
State of West Bengal & Anr.

Mr. Anirban Dutta
Mr. Prinyanka Mukherjee ... for the petitioner.

Mr. Debasish Roy
Mr. Anand Kesari
Ms. Afreen Begum ... for the State.

Learned counsel for the petitioner submits that petitioner is pursuing his law studies from a reputed college. In and around June, 2024 he became acquainted to one Arnab Bhattacharya on a social media platform, who introduced himself to be working at a very high rank at Tesla Power, East Zone. He gained the trust of the petitioner and persuaded him to post certain advertisement regarding the sale of a hotel namely Aristocrat International Pvt. Ltd.

On 17th June, 2024 the petitioner came in contract with one Abhinaba Sarkar on LinkedIn, who said that he was engaged in the hospitality industry and there is a buyer who is interested to purchase the hotel. The petitioner and the said Abhinaba Sarkar allegedly forwarded the details of the sale of the hotel which he had received from co-accused Arnab Bhattacharya.

On the basis of such allegation the instant proceeding under sections 419/420/120B of the IPC was started and upon completion of investigation police has submitted

charge-sheet against all the accused persons including the petitioner under the above-mentioned sections.

It is submitted on behalf of the petitioner that he is innocent and in no way connected with the alleged offence. In fact the petitioner when came in contact with Abhinaba Sarkar in LinkedIn he said that he had the hospitality industry and there is a buyer who is interested to purchase the hotel. No material has been collected against him during investigation to show any direct nexus of the petitioner with the alleged commission of offence. It is only on the basis of the statement of the co-accused Abhinaba Sarkar, who had allegedly stated that he got the advertisement from the petitioner, that the petitioner herein has been implicated in the case. During investigation also the investigating authority only seized print out of WhatsApp and LinkedIn chats between the accused Abhinaba Sarkar and the petitioner and on the basis of such seizure only the petitioner has been made an accused in the charge sheet, though there is no mention of his name in the written complaint. There is no other documentary evidence collected by the investigating authority, which establishes any nexus with the petitioner and the alleged offence. In fact the petitioner on coming to learn that the accused Abhinaba Sarkar had an interested buyer, had only forwarded details which he had received from a third person.

Learned counsel for the State placed the case diary and pointed out sole statement recorded under section 161 Cr.P.C. made by Abhinaba Sarkar available in the case diary and also the seizure list and leaves the prayer made by the petitioner to the discretion of the court.

Having heard learned counsel for the petitioner it appears that petitioner is not FIR named and his name transpired from the co-accused statement which has no evidentiary value.

From the materials available in the case diary, including the written complaint, it is clear that there appears to be no allegation of entrustment of property to the petitioner nor there is anything to show that by his alleged act, he has caused any wrongful loss to the opposite party no. 2. Even if the allegations leveled against the petitioner is accepted in its entirety that he has extended his hand in publishing advertisement of sale, no case has been made out that there was inducement to deliver or actual delivery of property by the complainant on the basis of publication of any such advertisement. It is not even the case of prosecution that the petitioner had impersonated himself as owner or director of hotel. The offence under section 420 or 419 cannot be established in the absence of guilty mind. From the materials available in the case diary, ingredients of dishonest intention on the part of petitioner herein has not been made out.

It is now well settled that when a prosecution at the initial stage before trial is asked to be quashed, the test to be applied by High Court is whether the uncontroverted allegations as made out prima facie establish the offence. It is also established proposition that the court cannot be utilized for any oblique purpose and where court finds from available materials that chances of an ultimate conviction is bleak and no useful purpose is likely to be served by allowing a criminal prosecution to continue, the proceeding can be quashed even at a preliminary stage.

As I have discussed above that the materials available to me does not disclose any criminal offence against petitioner, I find that the paragraph 102(1) & (3) of **State of Haryana & Ors. -vs- Bhajanlal & Ors., 1992 Supp (1) Supreme Court Cases 335** clearly attracts in the instant case which states:-

102(1):- where the allegations made in the FIR even if 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.

102 (3):- where the uncontroverted allegations made in the FIR and evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

In view of above, CRR 3902 of 2025 is allowed.

The instant proceeding being G.R. Case No. 3033/2024 presently pending before learned Chief Judicial Magistrate, Barasat, is hereby quashed qua the petitioner namely **Niladri Das**.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)