

13.04.2026

Sl. No.8.

D/L.

Mithun.

Ct.No.29.

CRR/1273/2026

Sanjay Kumar Agarwal

Vs.

The State of West Bengal & Ors.

Mr. Moyukh Mukherjee,
Mr. Rishav Singh,
Mr. Sagar Kumar Mishra,
Mr. Soumalya Dutta,
Ms. Sarmistha Basak

...for the petitioner

Supplementary affidavit filed by the petitioner is taken on record.

Petitioner herein has assailed the proceeding being G.R. Case No.718 of 2026 presently pending before learned Chief Judicial Magistrate, Barasat.

Being aggrieved by the proceeding, learned Counsel for the petitioner Mr. Mukherjee submits that the opposite party no.2 herein unnecessarily tried to give colour of criminal proceeding to a purely civil and contractual dispute arising out of a construction agreement. He further submits that the petitioner as a developer entered into an agreement dated 10.08.2019 with the opposite parties for construction of a G+11 building at an agreed project value of approximately Rs.13,57,64,748/- payable in stage-wise instalments as per the agreed payment schedule. The petitioner commenced construction work but despite completion of a substantial portion of work, the opposite party repeatedly failed to

release instalment payments in accordance with the agreed schedule and thereby delayed the project. Subsequently the opposite parties appointed engineer and upon inspection, the engineer submitted a report that approximately 95% of the construction work had already been completed and the remaining work is estimated at approximately Rs.69,92,000/-.

However, the opposite parties initiated the instant proceeding against the petitioner with the allegations which are vague, omnibus and devoid of material particulars. The ingredient of the offence alleged in the complaint does not disclose any cognizable offence, and, therefore, further continuance of the impugned proceeding will be mere abuse of the process of the Court.

Having heard learned Counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite parties through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed in the Monthly List of June, 2026.

Learned Counsel for the petitioner prays for interim stay.

Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case, let the investigation proceed but the Investigating Agency shall not take any coercive step against the petitioner for a period of 12 weeks or until further order, whichever is earlier on condition that the petitioner shall make all sorts of cooperation with the Investigating Agency.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)