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CRR No. 3521 of 2024

In Re: Rahul Jain & Ors.

**Mr. Sandipan Ganguly
Mr. Krishnendu Bhattacharya
Mr. Avishek Guha
Ms. Sonal Agarwal
... For the Petitioners**

Learned counsel for the petitioners submits that the private opposite party applied before a company namely Blue Star Limited of which the petitioners are the employees for appointment as Service Associate and deposited Rs.25,000/- as application money. Since the private opposite party failed to meet the criteria as laid down by the company, his request was not accepted. Legal notice was sent by the private opposite party to the company claiming enrolment with the company as Service Associate and alleging that despite depositing the security amount no work was allotted to him by the company. In reply, the petitioners stated that the opposite party was never enrolled as an authorised Service Associate for which the question of allotting work to him did not arise at all. The company agreed to refund the amount of Rs.25,000/- to the private opposite party deposited by him and in fact refunded an amount of Rs.26,446/- in favour of the private opposite party on 17th October, 2023. The private opposite party lodged the present complaint against the petitioners alleging offences under Sections 120B/406/420 of the Indian Penal Code.

Learned counsel for the petitioners seeks quashing of proceeding being complaint case no. 55737/2024 pending before the learned Metropolitan Magistrate, 19th Court, Calcutta presently redesignated as learned Judicial Magistrate, 19th Court, Calcutta.

The petitioners have been able to make out an arguable case.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Let the matter appear under the heading 'Contested Application' in the monthly list of December, 2024.

Further proceedings of complaint case no. 55737 of 2024 pending before the learned Metropolitan Magistrate, 19th Court, Calcutta presently redesignated as learned Judicial Magistrate, 19th Court, Calcutta be stayed till 24th December, 2024 or until further orders, whichever is earlier.

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

(Suvra Ghosh, J.)