

9.12.2025
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CRR 4486 of 2025

Chandan Mukherji
Vs.
The State of West Bengal & Anr.

Mr. Sharian Mukherjee
Mr. Dilip Kr. Mondal ...for the Petitioner

The petitioner herein has assailed the impugned proceeding pending in the court of learned Judicial Magistrate, 11th court, Calcutta being no. CS-192574 of 2025 which includes the order dated 4.8.2025 concerning issue of pre-cognizance notice and also the order dated 1.9.2025 by which cognizance was taken and summon in the instant proceeding has been issued.

Being aggrieved by the aforesaid proceeding, the petitioner's contention is that the petitioner was issued a Corporate Credit Card by Standard Chartered Bank, Mumbai in October, 2004. The petitioner raised concern about some erroneous charges levied on the said credit card. However, as the petitioner had been allegedly got no response from the Bank, he closed the credit card.

After about seven years on 25.08.2012 petitioner suddenly received a demand notice which was sent by the representative of the opposite party, asking him to clear an alleged outstanding amount of Rs. 7.56 lakhs, without producing any document in support of such claim. After about 21 years since 2005, the opposite party has instituted the instant proceeding and the learned court below has taken cognizance upon the offence, which is bad in law.

Learned counsel for the petitioner further submits that the entire nature of dispute is civil in nature and the claim made by the petitioner is time barred as there is no transaction in respect of the said card since 31.5.2005. He further submits that the very ingredients of the offence alleged in the complaint is conspicuously absent in the present case. His further allegation is that no notice was served upon him at pre-cognizance stage and the learned court below without complying the settled procedure laid down in law, had issued the process against the present petitioner. He further submits that in the above background, the continuance of instant proceeding would be mere abuse of process of the court and therefore, the proceeding is liable to be quashed.

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

Petitioner is directed to serve a copy of the application upon the opposite party no. 2 through speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear in the Monthly list of January, 2026 under the heading **“Contested Application”**.

Petitioner will be at liberty to pray for interim relief after service of copy of the application upon the opposite parties.

(Dr. Ajoy Kumar Mukherjee, J.)