

CRR 4823 of 2024

HDB Financial Limited & ors.
Vs.
The State of West Bengal & ors.

Adv. Sabir Ahmed,
Adv. Sayak Ranjan Ganguly,
Adv. Srijani Ghosh,
Adv. Indrani Majumder,

...for the petitioners.

The petitioners who are the directors of the company and the company itself seek quashing of complaint case being C.S. 54927 of 2016 pending before the learned Metropolitan Magistrate, 15th Court, presently redesignated as the learned Judicial Magistrate, 15th Court, Calcutta, primarily on two counts. Cognizance of the complaint was taken by the learned Judicial Magistrate initially on the basis of inquiry held by the Additional Officer-in-charge, Shakespeare Sarani Police Station under Section 202 of the Code of Criminal Procedure despite direction for inquiry being given upon the officer in charge. By a judgment delivered on 7th August, 2023 in CRR 2713 of 2017, a coordinate Bench of this Court set aside the said cognizance and directed inquiry to be made by the officer in charge, Shakespeare Sarani Police Station as directed by the learned Magistrate. Though the second inquiry report was submitted by the officer in charge, it appears that the inquiry was held by the same additional officer in charge who held the earlier inquiry. Secondly, the allegation of the private opposite parties is forgery of the signature of the second opposite party who is a co-accused/applicant in respect of the loan granted. The petitioner cannot be held vicariously liable for the said forgery unless an objective satisfaction has been arrived at by the learned Magistrate with regard to such alleged act.

The matter needs to be heard on merits.

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 March, 2025.

Further proceedings of complaint case, being C.S. 54927 of 2016 pending before the learned Metropolitan Magistrate, 15th Court, presently redesignated as the learned Judicial Magistrate, 15th Court, Calcutta, be stayed till 31st March, 2025 or until further orders, whichever is earlier.

(Suvra Ghosh, J.)