

Sl. 24
10.12.2025
Court No.29
BP

CRR 5099 2025

Ashaben Tarunkumar Khamar & Ors.
-versus-
The State of West Bengal & Anr.

Mr. Sourav Chatterjee, Sr. Advocate
Mr. Soumya Nag
Mr. Rajdeep Sengupta
..for the petitioners

Learned senior counsel for the petitioners submits that the opposite party no.2 lodged the instant complaint arising out of certain commercial disputes with the Balaji Enterprise and Balaji Overseas. In the said written statement the opposite party no.2 without any basis or justification has also implicated the present petitioners despite the fact that there exist no privity of contract or direct dealings with them.

It is further submitted that even if the allegations contained in the FIR are taken to be true no nexus or connection whatever could be discovered between the petitioners and the opposite party no.2. The Khamar Denim Private Limited of which petitioner nos. 4 to 6 are associated as Directors and petitioner no.3 as Chartered Accountant are the bona fide purchaser of goods for valuable consideration from Balaji Enterprise. In fact the petitioner nos. 1 and 2 who are the parents of petitioner no.4 have no connection or role or involvement whatsoever in daily affairs or business of the Khamar Denim Private Limited. Therefore, further continuance of the instant proceeding would be mere abuse of process of law as the ingredients of criminal breach of trust or cheating is conspicuously absent in the instant FIR.

Having heard learned counsel for the petitioners the application is admitted.

The petitioners are directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Kolkata and upon 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 be listed under the heading “Contested Application” in the Monthly List of February, 2026.

Mr. Chatterjee, learned senior counsel appearing on behalf of the petitioners seeks for an interim relief and also seeking permission to co-operate with the investigating agency through online.

Having heard the learned counsel for the petitioners and that the petitioners have made out an arguable case, let the investigation shall continue but the investigating agency shall not take any coercive step against the petitioners herein for a period of twelve weeks or until further order whichever is earlier on condition that they will make all sorts of cooperation with the investigating agency. It is also clarified that since the petitioners are residents of state of Gujarat, unless their physical presence is required in the interest of investigation, the investigating agencies shall continue with the investigation in respect of the petitioners through virtual mode.

Liberty for prayer of stay is given after completion of investigation, if required.

(Dr. Ajoy Kumar Mukherjee, J.)