

24.2.2026

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CRR 5453 of 2025

Subir Dutta

Vs.

The State of West Bengal & Anr.

Mr. Manjit Singh, Sr. Adv.

Mr. Kaushik Chatterjee

Mr. Biswajit Mal

Mr. Soham Sen

...for the Petitioner

The petitioner herein has prayed for quashing of the proceeding being CGR case no. 2984 of 2025, presently pending before the learned Chief Judicial Magistrate, Alipore.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that from the averments made in the complaint, it is clear that there was long standing business relationship between the complainant and the opposite party and the complainant allegedly supplied various medicines to the petitioner and agreed to pay to the tune of Rs. 15,42,010/-. It is further admitted in the complaint, that out of the said amount, Rs. 10,47,610/- has already been paid and the outstanding amount is Rs. 4,94,707/-.

It is further submitted on behalf of the petitioner that over the allegation of defect and quality of the materials supplied by the complainant, the said amount is lying outstanding and the allegation levelled in the complaint by no stretch of imagination, attracts criminality. He further submits that it is settled law that the allegation under Section 318(4) and 316(2) of the BNS, 2023 can not run concurrently over the

self-same set of facts. He further submits that since there was no deception at the inception, the allegation of cheating can not attract and in the absence of any allegation of entrustment in the complaint, the offence of criminal breach of trust has no leg to stand in the instant proceeding. Therefore, continuance of further proceedings will be mere abuse of process of the court and he prayed for quashing of the impugned proceeding.

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

Petitioner is directed to serve a copy of the application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 by 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 March, 2026 under the heading **“Contested Application”**.

Learned counsel for the petitioner also prays for interim relief.

Having heard learned counsel for the petitioner and that the petitioner had made out an arguable case which requires adjudication on merit, let the investigation shall continue but the Investigating Agency shall not take any coercive step against the present petitioner on condition that the petitioner shall make all sorts of cooperation with the Investigating agency.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)