

13.04.2026

Sl. No.76.

D/L.

Mithun.

Ct.No.29.

CRR/5563/2025

Abhay Kumar Rai & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Prabhat Kumar Srivastawa,
Mr. T. Dey,
Ms. Ankita Singh

...for the petitioner

In this application the petitioners have prayed for quashing of the proceeding being G.R. Case No.310 of 2023 under Sections 406/417/420/467/468 and 471 of the IPC presently pending before learned Judicial Magistrate, 3rd Court, Bankura.

The instant case originates on the basis of a written complaint alleging illegal seizure and wrongful detention of the vehicle of the opposite party financed by Indusland Bank Limited.

It is submitted on behalf of the petitioners that the *de facto* complainant had availed vehicle finance from the said Indusland Bank under a loan agreement dated 30th May, 2017 and upon his persistent default in repayment, the matter was referred before the Arbitrator who passed an award on 04.09.2021 directing the complainant and co-borrower to pay the outstanding dues along with interest.

It is further submitted that prior to the instant FIR, the same complainant had lodged another complaint Case No.2618 of 2021 before learned Judicial Magistrate, Mozaffarpur, Bihar on identical

facts which was dismissed under Section 203 Cr.P.C. on 27.06.2022 against which the opposite party preferred revisional application which also got dismissed on 28.02.2023.

Despite the dismissal of the said proceeding, the complainant has lodged the instant FIR and further lodged another complainant before Mozaffarpur Court, Bihar being Complaint Case No.2367 of 2025 on the self-same allegation which according to the petitioners is a clear case of forum shopping.

He further pointed out that while this High Court disposed of the bail application of the petitioners in CRM(A) 1850 of 2024, it has observed that the dispute is civil and commercial in nature. Therefore, he submits that further continuance of the impugned proceeding will be mere abuse of the process of the Court.

Having heard learned Counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.2 through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Matter be listed in the Monthly List of May, 2026.

Learned Counsel for the petitioners also prays for stay of the impugned proceeding.

Having considered the aforesaid submission made on behalf of the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let all further

proceeding of G.R. Case No.310 of 2023 presently pending before learned Judicial Magistrate, 3rd Court, Bankura is hereby stayed for a period of 8 weeks or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)