

SUPREME COURT OF INDIA

Manager, ICICI Bank Limited

Vs.

Prakash Kaur & Ors.

Crl.A.No.267 of 2007

(Dr.Ar.Lakshmanan and Altamas Kabir, JJ)

26.02.2007

JUDGMENT

SLP(Crl.)No.15 of 2007

Altamas Kabir, J.

1. This appeal has been filed by the Manager, I.C.I.C.I. Bank Ltd. against the order dated 7th December, 2006, passed by the Allahabad High Court in Criminal Miscellaneous Petition No.11210/2006 disposing of the petition with a direction upon the S.S.P. Allahabad, to ensure the registration of a case on the basis of Annexure VII to the Writ Petition and its investigation by a competent police officer.

2. Before adverting to the subject-matter of the writ petition, it may be pointed out that in the writ petition, the writ petitioner has chosen to implead as respondents, not only the Union of India and other police authorities of Uttar Pradesh but also the President/Chairman/Managing Director of the I.C.I.C.I. Bank, the General Manager, Loans, I.C.I.C.I. Bank, Branch Sardar Patel Marg, Civil Lines, Allahabad and M/s. Kartik Associates, Banaras Automobiles, Kodopur, Ram Nagar, Varanasi, through its authorised Goonda Officers and Goonda Employees and Institutions created against the law for doing work and persons of the Institutes, Criminals to do work for I.C.I.C.I. Bank.

3. The subject matter of the writ petition relates to a loan taken by the writ petitioner from the I.C.I.C.I. Bank, Allahabad Branch for purchase of a truck. It appears that the writ petitioner defaulted in payment of the instalments and in terms of the agreement entered into between the writ petitioner and the Bank, the writ petitioner's truck was taken possession of by the bank authorities by use of force on 13th July, 2006. It also appears that the writ petitioner requested the Chief Manager (Loans), I.C.I.C.I.Bank, Sardar Patel Marg, Civil Lines, Allahabad, for release of the truck which was alleged to have been forcibly taken possession of by M/s. Kartik Associates, acting as the agents of the Bank. The writ petitioner appears to have also written to the said agents on 25th July, 2006, requesting them to provide details of the instructions given to them to seize the petitioner's truck. Since the truck was not

returned to the writ petitioner, she caused a legal notice to be served on M/s. Kartik Associates but the same was returned unserved as having been refused.

4. The writ petitioner contended that the Bank and its officials had systematically conspired to cheat the writ petitioner by advancing the loan for purchase of the truck and accordingly wrote to the police authorities on 3rd/4th September, 2006, requesting them to register the First Information Report of the alleged offences punishable under Sections 120-B, 400/ 403/ 406/ 409/ 417/ 418/ 419/ 420/ 421/ 422/ 424/ 466/ 467/ 468/ 469/ 571 and 511 IPC. It was also urged that since no steps had been taken by the police authorities on the basis of the application dated 3rd/4th September, 2006, the respondent Nos. 1, 2, 5, 6, 7 & 8, being the Union of India and other officers of the U.P. Police, had committed offences punishable under Sections 166/ 167/ 212/ 217/ 218/ 221/ 120-B IPC and Section 13 of the Prevention of Corruption Act.

5. On the basis of the aforesaid allegations, the writ petitioner, inter alia, prayed for a direction upon the respondent Nos. 1, 2, 4, 5, 6, 7 & 8 to register a First Information Report in Civil Lines Police Station, Allahabad, against the respondent Nos. 9 to 13 and during the period of investigation, to save the losses of the writ petitioner by recovering the truck along with all the documents relating to the truck and to hand over the same to the writ petitioner. The writ petitioner also prayed for a writ of mandamus to direct the respondent Nos. 1 and 3 to cancel the licence of I.C.I.C.I. Bank and for other ancillary reliefs.

6. On the basis of the aforesaid writ application, the Division Bench of the Allahabad High Court while disposing of the writ petition passed the following order:-

"The relief sought in this Writ Petition is for issuance of a direction for Registration of the case against the Respondents

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Heard learned counsel for the petitioner and the learned AGA for the State and perused the record.

The contention for the learned counsel for the petitioner is that a perusal of Application dated 03/09/06 (Annexure VII) to the Writ Petition discloses commission of a cognizable offence. It was obligatory on the part of the police to have registered the case and to proceed with the investigation but it was not done. The petitioner is a lady and she has approached this Court for the relief sought therein and in support of his contention he has relied on *Ramesh Kumari vs. State (N.C.T. of Delhi) & Ors., reported in¹ where*"

Judgment Referred.

¹(2006) 1 Crimes 229 (SC)