

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2639 OF 2015

Mumbai Central District Central Co-op. Bank .Petitioner
Limited

Vs.

The State of Maharashtra .Respondent

Mr.M.G.Shukla, Advocate, for the Petitioner
Mr.J.P.Yagnik, APP, for the Respondent – State

**CORAM : RANJIT V.MORE AND
REVATI MOHITE DERE, JJ.**

DATE : 09.12.2016

P.C.

. Heard learned counsel for the Petitioner and the learned
APP for the Respondent – State.

2. By this Petition, the Petitioner is seeking a direction to the Senior Police Inspector, M.R.A.Marg Police Station, Mumbai to register an offence on the basis of the Petitioner's complaint filed on 15.06.2015.

3. The grievance of the Petitioner is that though they had deposited a sum of Rs.10,00,00,000/- (Ten Crores) with the ICICI Bank, Vasai(E), District – Thane, neither the said sum was deposited in a Fixed Deposit for a period of 364 days nor was the said sum returned to the Petitioner. The further grievance of the Petitioner is

that with the help of fabricated and forged documents, a third party had fraudulently opened an overdraft account and had withdrawn the said amount.

4. Learned APP on instructions states that regarding the very same incident, the Economic Offence Wing has registered an FIR, at the instance of ICICI Bank. He submits that the FIR is being investigated by the EOW and that the statement of the Petitioner's officer has also been recorded in the said investigation. The Petition is filed by the Petitioner against the Managing Director & CEO of the ICICI Bank.

5. We find that somebody has forged the Petitioner's FDRs and taken overdraft facility for which an FIR was registered and investigation is going on. In these circumstances, at the most, Civil remedy is available against the ICICI Bank for recovery of the said amount, however, Criminal proceedings cannot be initiated against the Managing Director & CEO of the ICICI Bank.

6. Accordingly, the Petition is without merits and is dismissed.

(REVATI MOHITE DERE, J.)

(RANJIT V.MORE, J.)