

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 119 of 2017**

Ashraf Ali Khan S/o Late Abzalkhan, aged about 52 years, R/o Qtr. No. 9/B, Street No. 16, Sector-5, Bhilai, District Durg, Chhattisgarh

---- Appellant**Versus**

State of Chhattisgarh through the Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh

---- Respondent

For Appellant	:	Shri T. K. Tiwari, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****03/04/2017**

We have heard the learned counsel for the writ Appellant who is the writ Petitioner. We have also heard the learned Deputy Advocate General.

2. The Petitioner availed a loan from HDFC Bank in 2002. It is stated that in 2008 HDFC Bank took a cheque from him. According to him, it was a blank cheque. The prosecution initiated by the HDFC Bank for an offence punishable under Section 138 of Negotiable Instrument Act ended in acquittal. In 2017, the writ petition was filed seeking direction to the Police to register an FIR for different offences which are alleged to have been committed by two Officers of HDFC Bank. The learned Single Judge held that it is a case where the allegations are being levelled more than eight years after the so called issuance of cheque. Further it was held that on the facts it can be seen that action proceeded under Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act and that has culminated. The fact of the matter remains that the so called cheque was allegedly taken by the Bank in 2008. Whether they were blank or not, it is not as if the petitioner did not have adequate remedy if he were to sue the wrong doer either in the Civil Court or in the Criminal Court in relation to the so called Negotiable Instrument (Cheque) stated to have been issued by the Petitioner.

3. We do not see any legal infirmity or jurisdictional error in the learned Single Judge having refused to exercise discretion in favour of the petitioner by issuing a direction as sought for.

4. For the aforesaid reasons, this Writ Appeal fails and the same is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE