

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 256 of 2018

1. Savita Sinha W/o Vinay Kumar Sinha, Aged About 53 Years
Manager Dena Bank, Khursipaar Branch, Bhilai, Tehsil And District
Durg, Chhattisgarh.

2. Sanjeev Mehta, S/o Shri J.P. Mehta, Aged About 46 Years Clerk
Dena Bank, Smriti Nagar Branch, Tehsil And District Durg
Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Home
Department, Mantralaya, Mahanadi Bhawan, New Raipur, District
Raipur Chhattisgarh.

2. Superintendent Of Police, Rajnandgaon, District Rajnandgaon
Chhattisgarh.

3. Station House Officer, Police Station Somni, Rajnandgaon,
District Rajnandgaon Chhattisgarh

---- Respondents

For petitioners - Shri Sameer Oraon, Advocate.
For State- Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/05/2018

Heard.

1. Instant petition is to quash the FIR No.213/2017 registered at
Police Station Somni, Rajnandgaon against the petitioners.

2. The fact as would suggest that Ramesh Kumar Kesari was holding
a bank account in Dena Bank, Somni Branch, Rajnandgaon. It was
alleged that someone has withdrew an amount of Rs.2 lakhs from his
account and immediately complaint was made. Bank has come out with
the defence that signature in the withdrawal form and the specimen
signature were same. Complainant made a complaint to the
Superintendent of Police and to the Collector on the basis of same FIR

was registered.

3. Learned counsel for the petitioners would submit that signature on the withdrawal slip and specimen signature if are compared with the bare eye they were exactly same. He further submits that under the ombudsmen scheme of the bank the complainant could have reported the issue to the Branch Manager for which different cell is provided by the bank and directly FIR cannot be gone into. He further submits that maximum it may be found that there is deficiency but the criminality is completely absent on the part of the petitioners. Therefore it is stated that the FIR requires to be stopped for further investigation.

4. Record as would show that the victim initially made a complaint to the Branch Manager, Dena Bank that someone has taken out amount of Rs.2 lakhs from his account on 23/01/2013. Bank in response to it took a stand that signature in the withdrawal slip and specimen signature were one and same, meaning thereby it was stated that amount was withdrawn by Ramesh Kumar Kesari himself. Notices were also exchanged in between the parties. In the meanwhile the victim Ramesh Kumar Kesari made a complaint to the Superintendent of Police as also to the Collector on which subsequently FIR has been lodged. Admittedly it appears that cognizable offence was reported by the victim, therefore FIR which was lodged cannot be stated to be without any authority or is completely frivolous. This part cannot be ignored that the victim was vociferous of the fact that from his account Rs.2 lakhs were withdrawn and having complained to the Branch Manager bank came out with the defence that signature in specimen signature and the withdrawal form were same. Therefore, victim under the facts was unable to understand the fact to whom to turn for help and eventually report was made to the Collector and the Superintendent of Police. In the circumstances, I do not find any cause

exist to arrest the investigation of the FIR and stop the operation.

5. Accordingly, the petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

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