

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 559 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 Raigarh Chhattisgarh

---- Appellants

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 Appellants	: Shri Raza Ali and Ms Anmol Sharma, Advocates
For Respondents/State	: Shri Sudeep Agrawal, Deputy Advocate General

**Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Parth Prateem Sahu, J.

07.02.2020

1. Challenge in this Writ Appeal is to the Order dated 02.05.2018 passed by the learned Single Judge in WPCR-256 of 2018, whereby the relief sought for by the petitioners/appellants for quashing FIR lodged against them was declined.
2. Submission of learned counsel for the appellants is that at the relevant point of time, appellants 1 and 2 were working in Dena Bank, Somni Branch, Bhilai, District Durg as Branch Manager and Cashier respectively. Learned counsel further submits that a complaint was made

by one Ramesh Kumar Kesari stating that from his bank account an amount of Rs.2,00,000/- was withdrawn without his knowledge on 23.01.2013. On the basis of that complaint, FIR was registered at Police Station Somni, District Rajnandgaon. But it is a case where the complainant himself appeared before the Bank and withdrawn the amount, and the appellants have identified the signature of the complainant and found it to be same as in specimen signature. Appellants have taken due care.

3. On earlier date of hearing ie 25.07.2019, we made certain observations and directed learned counsel for the State to submit a report touching all the aspects which have been narrated in the said order sheet amongst others, as to how the Passbook came into the hands of complainant after getting the entry of withdrawal of Rs.2,00,000/-.

4. When today the matter came up for hearing, Shri Sudeep Agrawal, learned counsel for the State submits that return has been filed along with statements of appellants as well as other employees of the bank and other supporting documents. He further submits that on query regarding relevant log-in data of Passbook entry from the Bank, its authorities stated that they were not having the records of log-in entry, therefore, it is not possible for them to provide such information.

5. Looking to the nature of prayer made in the Writ Petition as well as in the Writ Appeal, and also the facts involved in the case with regard to withdrawal of Rs.2,00,000/- from the account of complainant- Ramesh Kumar Kesari allegedly without his knowledge, the issue requires an

investigation on the complaint and only after investigation, authenticity of allegations made by the complainant can be ascertained.

6. It is pointed out by the learned counsel for the appellant Ms Anmol Sharma, that since last three years, investigation has not been completed. Looking to the nature of allegation levelled by complainant in his complaint, we do not find any tenable ground to interfere with the order impugned. However, taking note of the fact that the investigation is pending since last three years, we direct respondents- 2 and 3 to conclude investigation within a period of **three months from today** and to submit report before the jurisdictional Court.

7. With the above observation, proceedings in the Writ Appeal are closed. However, appellants are at liberty to challenge the report, if they are aggrieved, by way of filing appropriate proceedings before appropriate forum, in accordance with law.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge