

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2283 OF 2018

Allahabad Bank.

...Petitioner.

Versus

M/s. Shelter Makers (I) Pvt. Ltd
and Others.

..Respondents.

Ms. Falguni Bhrahmbhatt for Respondent No. 1.

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

Date : **January 7, 2022.**
[Video Conferencing Mode]

P. C. :

1. None appears for the Petitioner. Perusal of the record shows that present petition is filed at the instance of Allahabad Bank raising challenge to a letter dated 4th May 2018, and accordingly the principal prayer, namely, prayer clause (b), is couched thus :

“(b) issue appropriate writ, order or direction for quashing impugned order dated 4th May 2018 issued by Respondent No. 2 asking for the presence of Chairman Usha Anant Subramanyam, Secretary Sanjay Agarwal, General Manager Krishnaswami Nandkumar, DGM Ravindar Singh, AGM C.B. Singh and filed General Manager Western Region Shantilal Jain and other officers of the petitioners and in turn also quash and set aside all the coercive actions taken by Respondent No. 2 and his subordinate officers.”

2. Perusal of the said letter dated 4th May 2018 placed on record at Exhibit-N (page no.59) to the petition shows that this communication is in the form of a reminder. The communication refers

to a complaint received by the office of police inspector, law and order, Andheri Police Station, Mumbai at the instance of Nandkumar Harchandani. Then there is reference to two letters forwarded at the instance of Police Station, dated 20th April 2018 and 24th April 2018 bearing Outward Nos. 5115 and 5229 respectively.

3. Perusal of the impugned letter further shows that the complainant had approached the Police Station with an allegation that the accused persons, i.e., officers of Allahabad Bank, have committed offences of criminal breach of trust and cheating. It is then stated in the communication that one of the employee of bank attended the Police Station on 26th April 2018 and his statement was recorded. The communication further states that the police authority is desirous of recording the statements of other employees such as the Chairman, General Secretary, General Manager, DGM, Field General Manager (Western Region) and for this purpose, these employees / officers are called upon to attend the Police Station on 7th May 2018 along with all the necessary documents.

4. Interestingly, the petition is filed at the instance of bank through its representative one Mr. Chandra Bhushan Singh, and those employees / officers who are called upon are not before this Court. The petition is filed in the year 2018. It was listed before this Court on 22nd November 2018 and adjourned to 13th December 20218 and again on 13th

December 2018 it was adjourned and was listed before this Court on 14th January 2019. None appeared for the Petitioner. Then, the dates as per CMIS system were given. On certain other dates, the petition was adjourned on account of paucity of time. What emerges from the order-sheet is that post filing of petition in the year 2018, the Petitioner is not seriously prosecuting the petition and considering other aspects, namely, principally challenge is to the notice issued in the year 2018, we are of the opinion that no fruitful purpose would be served by keeping the petition pending in this Court and as we see no substantial reason to keep the petition pending in this Court.

5. In view of the above discussion, petition is disposed of for non prosecution.

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]