# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Criminal Writ Jurisdiction Case No. 1393 of 2019**

Arising Out of PS. Case No.-61 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. The Managing Director (R and DB), State Bank of India Corporate Centre, State Bank Bhawan, Madam Cama Road, P.S.- Merin Drive, Mumbai 400021 Through Praveen Kumar Gupta, Son of Sri Baldev Gupta
2. The Chief General Manager, State Bank of India Local Head Office, 1st floor, West of Gandhi Maidan, P.S.- Gandhi Maidan, Patna 800001. Through Sri Mahesh Deepchand Goyel, Son of Sri Deepchand
3. The Regional Manager, State Bank of India Regional Business Office, 2nd Floor, Darbhanga Branch Building, P.O. and P.S.- Laheriya Sarai, District- Darbhanga- 846001. Though Sri Sudhaker Dev, S/o Late Satya Dev
4. The Branch Manager, State Bank of India Urdu Neem Chowk Branch, P.O. and P.S.- Laheriasarai, Town, and District- Darbhanga 846001. Through Kundan Kishore S/o Sri Arun Kumar Karn

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Darbhanga
2. S.B.I General Insurance Company Limited Corporate and Registered office Natraj, 101, 201 and 301 Junction of Western Express Highway and Andheri-Kurla Road, Andheri (E), Mumbai 400069
3. Tuntun Bhagat S/o Late Prabhu Bhagat R/o Mohalla- Krishna Chowk, Bakarganj, P.O. and P.S.- Laheriasarai, District- Darbhanga 846001

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Ajay Dutt Mishra, Advocate |
| For the Respondent/s | : | Mr. Dr. Mankeshwar Tiwari, AC to AAG |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

5 21-04-2023 Heard learned senior counsel for the petitioners and learned APP for the State. No one appears on behalf of respondent no. 3 who has filed the complaint case.

Initially, a complaint was filed and the same was dismissed by the court below. Again, on the direction of the Revisional court, the complaint case was heard and cognizance has been taken by learned Additional Chief Judicial Magistrate-I, Darbhanga against the petitioners for the offences under Sections 418, 120B and 201 of the Indian Penal Code and the same is under challenge.

Tuntun Bhagat (complainant) is a nominee of his daughter in the State Bank Of India, Urdu Neem Chowk Branch, Darbhanga. The Bank without any consent of the account-holder deducted the premium amount from her account on different dates for providing the accidental Insurance Policy but the policy bond was not handed over to the account holder. The daughter of the complainant died in harness and thereafter the complainant made a claim for settlement of his daughter's Insurance but the Bank turned deaf ear and did not settled the said claim.

It has been submitted by learned counsel for the petitioners that the petitioners are the high ranking bank officials and Branch Manager of the State Bank of India, Urdu Neem Chowk Branch, Darbhanga and from reading of the entire complaint, no offence is made out against them. It is the daughter of the complainant who had taken accidental policy and after her death this case has been filed because the claim for accidental Insurance Policy of his daughter was rejected by the said Bank.

It has been further submitted by the learned counsel for the petitioners that there is a general and omnibus allegation against the petitioners and from reading of the entire complaint, no offence is made out against anyone. He also submits that if the complainant had some dispute with the Bank, he could have approached Consumer Forum for redressal of his grievances and no criminal case should have registered against them.

Learned counsel for the State has fairly submitted that no offence is made out against the petitioners and the dispute appears to be civil in nature.

I have considered the submissions of the parties.

From reading of the entire complaint, it appears that no offence is made out against the petitioners and it is basically a civil dispute for which the complainant could have approached the Consumer Forum for redressal of his grievances. Criminal Court should not be used as a tool to harass the Bank officials.

In view of the above, this application is allowed and the order dated 25.10.2018 passed by learned A.C.J.M-I, Darbhanga in Complaint Case No. 61 of 2017 is hereby quashed.

**(Sandeep Kumar, J)**

Harsh/

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