



CRM-M-30255-2019 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-30255-2019 (O&M)****Reserved on : 10.02.2026****Pronounced on : 12.02.2026**

ICICI Bank Limited & Ors.

..... Petitioners

VERSUS

Harpreet Kaur & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Kanwaljeet Singh, Sr. Advocate with
Mr. Jashanpreet Singh Deol, and Mr. Rohit Suri, Advocates
for the petitioner.

Ms. Pallavi Babbar, Amicus Curiae for the respondents.

SURYA PARTAP SINGH, J.

1. This petition, under Section 482 of Criminal Procedure Code, has been filed for quashing of complaint, bearing No.COMI-70-2018 titled as 'Harpreet Kaur & Anr. Vs. ICICI Bank & Ors.', pending in the Court of learned Judicial Magistrate 1st Class, Mohali, Punjab, hereinafter being referred to as 'trial Court' only.

2. Briefly stating the facts emerging from record are that a complaint has been filed against the petitioner for the commission of offence punishable under Section 500 of Indian Penal Code. In the abovementioned complaint, it has been alleged by the respondents/complainants, hereinafter being referred to as 'respondent' only, that the respondent had applied for



housing loan from 'Axis Bank', Sector 34-A, Chandigarh, where the concerned officials initially accepted the file charges etc. and during the process of sanctioning the loan, when CIBIL rating of the respondent was checked, the abovesaid bank found that the respondent No.1 had availed the loan facility from 'ICICI Bank', Industrial Area, Chandigarh and IDBI Bank, Phase 11, SAS Nagar. According to respondents, in fact the respondent No.1 had never availed any kind of loan facility from the abovementioned two bankers but despite a clarification to the abovementioned effect, the Axis Bank refused housing loan to the respondents. It has been claimed by the respondents that thereafter, the respondents approached ICICI and IDBI Bank and the officials of both the banks issued clearance certificate to the respondents.

3. According to respondents, since on account of alleged entry with regard to loan facility to the respondents by ICICI Bank and IDBI Bank, the Axis Bank has denied loan facility to the respondent No.1, it amounts to defamation as defined under Section 500 of IPC.

4. Heard.

5. It has been contended by learned Senior Counsel for the petitioner that instant case is a case, wherein there is total non-application of mind by the learned trial Court, while issuing summoning order. As per learned counsel for the petitioner without looking into the fact that the respondents had not availed any loan facility from the ICICI Bank and secondly, when the respondents approached the abovementioned bank,



without raising any issue, the Clearance Certificate was issued by the ICICI Bank in favour of respondents, the order of summoning of petitioner as accused has been passed. According to learned Senior Counsel for the petitioner, at any point of time, the petitioner had never reported to CIBIL authority that any loan facility was availed by the respondents and, therefore, if any wrong entry was recorded by the CIBIL authorities with regard to advancement of loan to the respondents by the petitioners, and the CIBIL rating of the respondents was adversely affected, any responsibility cannot be fastened upon the petitioner.

6. It has been further contended by learned Senior Counsel for the petitioner that the petitioner had never entered into any kind of dealing/transaction with the respondents and never reported anything to the CIBIL authority regarding any transaction by the respondents. According to learned Senior Counsel for the petitioner, the petitioner is alien to the issue, but despite that the petitioner has been dragged into a criminal litigation, which is nothing but sheer misuse of process of Court. While claiming that any of the essential ingredient meant for the commission of offence punishable under Section 500 of IPC is not made out against the petitioner. The learned Senior Counsel for the petitioner has sought for quashing of complaint qua petitioner.

7. Nobody has appeared on behalf of respondents to oppose this petition.

8. The record has been perused carefully.



9. With regard to instant case, at the very outset it is pertinent to mention that the entire complaint of the respondents is based upon the plea that when they approached 'Axis Bank Chandigarh' for availing housing loan, the abovementioned loan was declined merely on the ground that as per entry recorded by CIBIL Authorities, there was a loan given by the petitioner to the respondents, whereas in fact there was no such loan.

10. With regard to abovementioned allegations, it was incumbent upon the respondents to show that entry showing the abovementioned loan was uploaded on the website of CIBIL Authority by the petitioner, but there is no iota of such evidence on record.

11. In addition to above, it is also relevant to mention here that when the respondents approached the petitioner for clarification with regard to abovementioned loan, without any hesitation the petitioner issued the abovementioned Clearance Certificate in favour of the respondents.

12. The abovementioned factual matrix of the present case shows that there was neither any wrong entry nor any mala fide/illegal action/lapse on the part of the petitioner which might have resulted into an entry regarding CIBIL rating of the respondents. Thus, it transpires that for the difficulty faced by the respondents any wrong cannot be attributed to the petitioner.

13. For the sake of argument, even if it is assumed that an incorrect entry was uploaded by the petitioner on the website of the CIBIL authority, regarding the aforementioned loan pertaining to Respondents, the essential



ingredients required to constitute an offence under Section 500 IPC are not made out in the present case, because the said entry, if any, was not made public by the petitioner.

14. In view of the fact that there was no wrong done by the petitioner showing a loan in favour of respondents, on the website of CIBIL authority, it is hereby held that no ground for prosecution of petitioner for the commission of offence under Section 500 of IPC is made out. However, the perusal of summoning order shows that unmindful of all these details merely on the basis of vague averments, the learned trial Court has summoned the petitioner as an accused. The filing of abovementioned complaint is nothing but a sheer misuse of process of Court and, therefore, it is hereby held that the complaint in question deserves to be quashed.

15. As a sequel to abovementioned observations, the present petition is hereby *allowed* and the complaint in question as well as the summoning order are hereby quashed, qua the petitioner, accordingly.

(SURYA PARTAP SINGH)
JUDGE

12.02.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No