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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 7268/2025

SANA NASEEM

.....Petitioner

Through: Ms. Swati Surbhi, Mr. Deepak
Shukla, Advocates.

versus

IDBI BANK LIMITED

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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13.10.2025

CRL.M.A. 30490/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 7268/2025 & CRL.M.A. 30491/2025 (stay)

1. This is a petition under Section 528 BNSS, 2023, seeking quashing of complaint case, titled as, "IDBI Bank Limited vs. Sana Naseem" bearing CC No. 13294/2019, stated to be pending before the Court of learned JMFC, as also the summoning order dated 13.01.2020 and the proceedings emanating therefrom.
2. Learned counsel who appears for the petitioner submits that there was a tripartite agreement executed between the petitioner i.e. the home buyer, builder and respondent-Bank (Annexure P-4). However, the respondent directly disbursed the loan amount of Rs. 73,84,758/- in the account of builder in one go, without following the payment scheme, in violation of



RBI Circular dated 03.09.2013 (annexure P-5). It is submitted that petitioner had issued undated security cheques to the bank for the purpose of availing loan but the respondent, allegedly filled in the amount arbitrarily in 2019 and presented the cheques, which were dishonoured on account of, “account closed”.

3. It is also submitted that respondent-Bank had disbursed the loan amount in advance to the builder, ignoring the RBI guidelines on construction payment and allegedly acted in collusion with builder who abandoned the project without upholding any position. She further submits that Corporate Insolvency Resolution Proceedings [“CIRP”] petition has been preferred against the builder by the NCLT. She further states that similar issue is pending consideration before the Hon’ble Supreme Court in ***Himanshu Singh and Ors vs. Union of India and Ors*** SLP(C) 7649/2023, whererin the Hon’ble the Supreme Court has granted interim stay.

4. Issue notice to the respondent through all the permissible modes, subject to petitioner taking the requisite steps, returnable on 27.03.2026.

5. In the meanwhile, the proceedings pending before the trial Court be kept in abeyance till the next date.

RAVINDER DUDEJA, J

OCTOBER 13, 2025/vd/na